



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODE

AMENDMENT

MULTICOUNTY: Fresno–Kings–Madera Regional
Health Authority
Yucaipa–Calimesa Joint Unified
School District
California Joint Powers Risk
Management Authority
STATE: Department of Alcoholic
Beverage Control

A written comment period has been established commencing on **April 22, 2011** and closing on **June 6, 2011**. Written comments should be directed to the Fair Political Practices Commission, Attention Alexandra Castillo, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45–day comment period, the proposed conflict of interest code(s) will be submitted to the Commission’s Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re–submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **June 6, 2011**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re–submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322–5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Alexandra Castillo, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.2, 1859.81, 1859.148.2 AND 1859.166.2, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.15, 17078.64, 17078.72 and 17592.73 of the Education Code. The proposals interpret and make specific reference to Sections 17071.75, 17075.10, 17075.15, 17078.25, 17078.52, 17078.53 and 17079.20 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes

of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

Financial Hardship Re-Reviews.

The Financial Hardship (FH) Program implements Education Code Section 17075.15 to assist those districts that cannot afford to fund their portion of the SFP project. A school district meeting the FH criteria (Regulation Section 1859.81) is eligible for the State to pay up to 100 percent of the district's share of new construction or modernization project costs. Without FH status, districts must contribute 50 percent of new construction project costs or 40 percent of modernization project costs. Districts are required under Education Code Section 17075.10(b) to make all reasonable efforts to fund their share of their project's cost.

The SAB, at its May 26, 2010 meeting, adopted emergency regulatory amendments to the SFP Regulations to waive the requirement for the OPSC to re-review the FH determinations of approved SFP projects which have remained on the Unfunded List for over 180 days due to the State's inability to provide AB 55 loans. The emergency amendments were approved by the OAL (OAL File No. 2010-0922-03E) and filed with the Secretary of State on October 4, 2010. The proposed emergency amendments became inoperative on January 1, 2011.

The SAB, at its December 15, 2010 meeting, adopted emergency regulatory amendments to extend the sunset date until "July 1, 2011." Extending this section until July 1, 2011 will allow the waiver of re-reviews to continue for financial hardship projects.

There are currently 56 approved but unfunded school district projects with FH status. These emergency amendments would extend until "July 1, 2011" the waiver of the requirement to re-review FH determinations, allowing these districts to continue to rely upon the State and local project funding amounts already approved by the SAB, rather than undergo a re-review. Re-reviews involve an evaluation of local school district finances which could increase or decrease the district's financial contribution to total project costs. Without this extension, FH determinations for these projects must be re-reviewed after the projects have been on the Unfunded List (Lack of AB 55 Loans) for six months. These school districts, with financial difficulties and still without their State apportionments, jeopardize these school projects if the FH re-review is triggered

and changes the amount of what the district could provide towards the project.

“Inactive” Status for Preliminary Apportionments and Preliminary Charter School Apportionments.

The SAB, at its January 28, 2009 meeting, adopted proposed emergency regulatory amendments to the SFP to help prevent school bond apportionments from expiring during the State’s ongoing fiscal crisis. The proposed amendments responded to the Pooled Money Investment Board’s (PMIB’s) action on December 17, 2008, to temporarily halt disbursements for capital projects, including the construction of public schools. The SAB was authorized by the emergency regulations to find preliminary apportionments “inactive” under the:

- Critically Overcrowded School Facilities Program (COS Program), and
- Charter School Facilities Program (CSFP).

The members of the PMIB were forced by fiduciary responsibility to temporarily freeze infrastructure bond funds for public works projects. However, school districts with previously approved preliminary apportionments (reservations of bond funding) were still required to move their projects forward and convert to final apportionments within time limits as set forth in Education Code Section 17078.25(a) and (b).

The PMIB cessation of school bond funding left many school districts financially unable to move forward with their projects, thus risking the rescission of the preliminary apportionments and preliminary charter school apportionments for failure to convert to final apportionments. The SAB approving “inactive” status for the preliminary apportionments suspended the time period for converting to final apportionments. (This period is four years from the date of the preliminary apportionment plus an allowable one-year extension upon SAB approval.) The time period will resume as it existed on December 17, 2008 when the SAB finds that State financing is available for bond-funded projects.

The OAL approved the emergency regulations in OAL File No. 2009–0414–03E, and final Certification of Compliance in OAL File No. 2009–0929–03C.

In June and July 2009, the SAB approved “inactive” status for a total of \$1.263 billion of COS Program preliminary apportionments (344 projects), and \$609.1 million of CSFP preliminary charter school apportionments (43 projects), thereby helping to protect the projects from having their preliminary apportionments and preliminary charter school apportionments expire.

At its meeting on September 23, 2009 the SAB extended the sunset date for these regulation sections from January 1, 2010 until January 1, 2011. The OAL approved these emergency regulations in OAL File No.

2009–1216–01E, and final Certification of Compliance in OAL File No. 2010–0309–01C.

The SAB, at its December 15, 2010 meeting, adopted emergency regulatory amendments to the SFP Regulations to extend these sections until “July 1, 2011.” Extending these sections until July 1, 2011 will allow “inactive” status to continue for COS Program and CSFP projects approved with preliminary apportionments during the State of California’s continuing fiscal crisis.

A summary of the proposed emergency regulatory action follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed emergency amendments define an “Unfunded List (Lack of AB 55 Loans),” which means an information list of unfunded projects created due to the State’s inability to provide financing from the Pooled Money Investment Account (AB 55 loans) to fund school construction projects, as declared in the Department of Finance Budget Letter #33 issued on December 18, 2008. In addition, the definition of “Unfunded List” is clarified to exclude “Unfunded List (Lack of AB 55 Loans).”

Existing Regulation Section 1859.81 permits school districts to qualify for FH status in order to receive additional State funding for school facility projects, upon meeting specific financial criteria. The proposed emergency action amends subsection (f), thereby waiving the requirement for FH determinations to be re-reviewed by the OPSC if the project has been on the “Unfunded List (Lack of AB 55 Loans)” for more than 180 calendar days. Subsection (f) became inoperative on January 1, 2011. The proposed emergency action extends the sunset date until July 1, 2011.

Proposed adoption of Regulation Section 1859.148.2 authorizes the SAB to determine a State fiscal emergency or crisis exists for the purpose of finding Preliminary Apportionments under the COS Program to be “Inactive,” as defined in Section 1859.2. This finding would suspend, as of December 17, 2008, the time period for an applicant to convert to a Final Apportionment. This period to convert is four years from the date of the Preliminary Apportionment plus a possible one-year extension, as set forth in Education Code Section 17078.25(a) and (b). The proposed adoption also authorizes the SAB to find that State bond funds are available for the project, in order to end “inactive” status and reinstate the balance of the time period to convert to a Final Apportionment as it existed on December 17, 2008. This regulation section became inoperative on January 1, 2011. The proposed emergency action extends the sunset date until “July 1, 2011.”

Proposed adoption of Regulation Section 1859.166.2 authorizes the SAB to determine a State fiscal emergen-

cy or crisis exists for the purpose of finding Preliminary Charter School Apportionments under the CSFP to be "Inactive," as defined in Section 1859.2. This finding would suspend, as of December 17, 2008, the time period for an applicant to convert to a Final Charter School Apportionment. This period to convert is four years from the date of the Preliminary Charter School Apportionment plus a possible one-year extension, as set forth in Education Code Section 17078.25(a) and (b). The proposed adoption also authorizes the SAB to find that State bond funds are available for the project, in order to end "inactive" status and reinstate the balance of the time period to convert to a Final Charter School Apportionment as it existed on December 17, 2008. This regulation section became inoperative on January 1, 2011. The proposed emergency action extends the sunset date until "July 1, 2011."

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed amendments to the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts and charter schools for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than June 6, 2011, at 5:00 p.m. The express terms of the proposed emergency regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Robert Young, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, Room 1–430
West Sacramento, CA 95605

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 376–5332

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 375–5939. If Mr. Young is unavailable, these questions may be directed to the backup

contact person, Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Re-

sources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAG would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

TITLE 4. BUSINESS REGULATIONS

NOTICE OF PROPOSED RULEMAKING

The California Pollution Control Financing Authority (CPCFA and the "Authority"), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code, proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Sections 8070, 8072, and 8073, and add Section 8078.2 of Title 4 of the California Code of Regulations concerning the administration of the California Capital Access Program for Small Businesses (the "Program" and CalCAP). These regulations were adopted on an emergency basis in November 2010 and February 2011. The current rulemaking action would combine the two regulatory actions and make those changes permanent.

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44559.5(f) of the Act authorize the Authority to adopt necessary regula-

tions relating to the California Capital Access Loan Program (CalCAP) established by the Act.

Reference: Sections 44559–44559.9 of the Health and Safety Code. These amended regulations implement, interpret, and make specific Sections of the Act by amending Sections 8070, 8072, and 8073 and adding Section 8078.2 of Title 4, Division 11, Article 7 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Capital Access Loan Program and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that fall just outside of most conventional underwriting standards. (Health and Safety Code, § 44559.2.)

Under existing law, borrowers and lenders must pay a fee on CalCAP loans to the lender's Loss Reserve Account. (Health and Safety Code, § 44559.3.) The Authority matches the fees paid by the lender to the Loss Reserve Account at 150 percent or matches the combination of the fees paid by both the lender and the borrower. (Health and Safety Code, § 44559.4(d).) The funds held in the lender's Loss Reserve Account are the sole property of the Authority and are used to cover losses on any loan that the lender has enrolled in CalCAP. (Health and Safety Code, § 44559.5.)

The proposed amendments: revise the definition of a "Qualified Business" and "Qualified Loan"; increase the maximum loan amount and enrolled amount; streamline paperwork; add a rating entity to the current list of rating entities; and add a new section that relates solely to participation in the State Small Business Credit Initiative. These amendments are the result of receiving \$84.4 million from the State Small Business Credit Initiative and \$6 million from the passage of California's AB 1632. The proposed amendments and objectives for each section are as follows:

Section 8070(d). The current definition of "Fees" or "Fee" is being modified to include "Premiums" or "Premium." This amendment adds terms the CalCAP lenders are more familiar with and will provide better consistency with the Federal Statute.

Section 8070(r). The definition of "Qualified Business" will now include the term "Small Business Concern" along with its definition. This amendment will increase the business size from "100 or fewer employees" to "500 or fewer employees" and eliminate the annual revenue restriction.

Section 8070(s). The amendment to the definition of "Qualified Loan" will establish a maximum total loan amount of \$5 million for any one loan, and increase the

allowable enrolled loan amount for a borrower from any one Lender to \$2.5 million. Receipt of the \$84.4 million from the State Small Business Credit Initiative and \$6 million from the passage of California's AB 1632 allows the Authority to increase these amounts. The Authority's available funds could not sustain a program with loan amounts of that size.

Section 8072(c). The information required for CalCAP loan enrollment is being modified including certification that the enrolled loan amount does not exceed \$2.5 million and removal of the requirement to submit a "Notification of Work-Out Status" form. These changes conform to the other changes and streamline our process in order to effectively use the State and Federal funds.

Section 8073(c). An additional rating entity is being added to the list of entities the Authority uses to verify the financial viability of a lending institution.

Proposed Section 8078.2. In response to receiving \$84.4 million from the State Small Business Credit Initiative (SSBCI) (Federal funds), the Authority was required to include SSBCI rules to our regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Capital Access Regulations.

Mandate on local agencies or school districts: None

Cost or savings to any state agency: None

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500–17630: None.

Other non-discretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made an initial determination that the amended CalCAP Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Assessment regarding effect on jobs/businesses: The amended CalCAP Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within

California, or significantly affect the expansion of businesses currently doing business within California.

Cost impact on a representative private person or business: The Authority is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business: The amended CalCAP Regulations will not have an adverse impact on small business in California. The proposed regulation will not significantly affect small businesses because they do not impose additional costs on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the amended CalCAP Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the amended CalCAP Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested persons to present statements with respect to alternatives to the amended CalCAP Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, and any questions regarding the substance of the amended CalCAP Regulations shall be submitted or directed to:

Patricia Tanous, Treasury Program Manager II
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 654-5821
Fax: (916) 657-4821
Email: ptanous@treasurer.ca.gov

Nancee Trombley, Associate Treasury Program
Officer
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 651-8663
Fax: (916) 657-4821
Email: ntrombley@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

amended CalCAP Regulations to the Authority. The written comment period on the amended CalCAP Regulations ends at **5:00 p.m. on June 6, 2011**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantive changes are made to the amended CalCAP Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified amended CalCAP Regulations for fifteen (15) calendar days after the date on which such amended CalCAP Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the amended CalCAP Regulations. Copies of these items are available upon request from the Agency Contact Person(s) designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfa/>.

PUBLIC HEARING

A public hearing regarding the amended CalCAP Regulations has been scheduled for **June 7, 2011 at 10:00 a.m. (PST) at 915 Capitol Mall, Room 470, Sacramento, CA 95814**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the amended CalCAP Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) calendar days

before the Authority adopts the proposed amended CalCAP Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at:

<http://www.treasurer.ca.gov/cpcfca/calcap/regulations.asp>.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

Pursuant to Section 44520(b) of the Health and Safety Code, the regulations being amended herewith by the California Pollution Control Financing Authority (the "Authority") are, by legislative mandate, necessary for the implementation of small businesses assistance and the immediate preservation of the public peace, health and safety, and general welfare.

PROPOSED REGULATORY ACTION

The Authority proposed to amend and add Section 8035.5 of Title 4 of the California Code of Regulations (the "Amended Regulations") concerning the administration of the California Pollution Control Authority's Bond Program. These Amended Regulations are necessary to implement, interpret and make specific Articles 3 and 4 of the California Pollution Control Financing Authority Act (the "Act").

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44520(b), Health and Safety Code. Section 44520(b) of the Act authorizes the Authority to adopt regulations relating to small business financing as emergency regulations and instructs the Office of Administrative Law to consider such regulations to be "necessary for the immediate preservation of the public peace, health and safety or

general welfare." Section 44520(a) of the Act authorizes the Authority to adopt necessary regulations to carry out its powers and duties under this division in administering applications for financing.

Reference: Section 44548(a)(1)(A), Health and Safety Code. These Emergency Regulations implement, interpret and make specific Health & Safety Code Section 44548(a)(1)(A) by adding Section 8035.5 of Title 4, Division 11, Article 3.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the Authority to implement small business financing assistance programs pursuant to Section 44520(b) of the Health and Safety Code.

The proposed amendment adds a section to the existing regulations. The primary driver of these changes is to incent California companies to accelerate equipment investments by offering an Equipment Only Bond Financing Program to encourage companies to issue bonds through CPCFA instead of using a conventional bank loan.

This amendment is the result of periodic evaluation of the regulations and issues encountered during specific bond financing transactions. The proposed amendment and objective for the section is as follows:

Section 8035.5. Addition of a new Equipment Only Bond Financing Program. This program will encourage applicants, especially small businesses, to issue bonds through CPCFA instead of using more expensive loan products. The program will allow for lower costs of issuance fees to applicants making it more cost-effective to take advantage of the savings obtained by issuing tax-exempt bonds with a lower interest rate.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500–17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant, statewide, adverse economic impact directly affecting businesses including the ability of

California businesses to compete with businesses in other states: The Authority has made an initial determination that the Amended Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Assessment regarding effect on jobs/businesses: The Amended Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business in California.

Cost impact on a representative private person or business: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business: The Amended Regulations will not have an adverse impact on small business in California and will not affect small business since they do not impose additional restrictions or cost on small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Amended Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Amended Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested parties to present statements with respect to alternatives to the Amended Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Amended Regulations shall be submitted or directed to:

Doreen Smith, Program Manager
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 651-6503
Fax: (916) 657-4821
Email: dsmith@treasurer.ca.gov

Patricia Tanous, Program Manager
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, CA 95814
Telephone: (916) 654-5821
Fax: (916) 657-4821
Email: ptanous@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Amended Regulations to the Authority. The written comment period on the Amended Regulations ends at **5:00 p.m. on June 6, 2011**. All the comments must be submitted in writing to the Agency Contact Person identified in the Notice by that time in order for them to be considered by the Authority. In the event that substantial changes are made during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency contact person identified in this Notice.

AVAILABILITY OF RULEMAKING RECORD, INITIAL AND FINAL STATEMENT OF REASONS, AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this notice, the Initial Statement of Reasons and the proposed text of the Amended Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/cpcfafa/>. In addition, the Final Statement of Reasons, when prepared, will be made available through the contact persons above and on our website.

PUBLIC HEARING

A request for a public hearing may be made by written request to the Agency Contact Person no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the Amended Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least fifteen (15) calendar days before the Authority adopts the proposed Amended Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the following date, time and location:

June 13, 2011

10:00 a.m.

Board of Barbering and Cosmetology

Sequoia Room

2420 Del Paso Road

Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **June 13, 2011** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact per-

son and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Sections 7312 and 7340 of the Business and Professions Code, and to implement, interpret or make specific Sections 139, 7338, and 7340 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 932 of the California Code of Regulations

Business and Professions Code Sections 7312 and 7340 authorize the Board to administer and set standards for licensing examinations; Business and Professions Code Section 139 requires the Board of Barbering and Cosmetology (Board) to follow the policy of the Department of Consumer Affairs (DCA) for examination validation. The objective of this policy is to establish guidelines for the development and administration of job-related examinations. The DCA's Office of Professional Examination Services (OPES), formerly known as Office of Examination Resources, oversees these functions, including providing services for examination development, occupational analysis, standard setting, and program review and evaluation.

This proposed rulemaking would amend Section 932 of Title 16 of the California Code of Regulations to implement the recommendation of DCA's OPES by changing the Board's method of establishing passing scores from aggregate scoring (in the case of the barber examination) and separate written/practical scoring (in the case of cosmetology, manicuring, esthetician and electrology) to a criterion-referenced scoring methodology for all examinations.

Under a criterion-referenced scoring methodology, passing scores would be determined for each examination by subject matter experts under the direction of OPES and the Board's examination contractor. The current scoring methodology doesn't take into account that licensing examinations may vary in difficulty from one administration to another, and that a fixed passing score may not represent the minimally acceptable competence for all administrations of an examination. The proposed criterion-referenced methodology will allow for the passing score to be lower for a more difficult examination and raised for a less difficult examination. This will be beneficial to students by leveling the playing field with regard to the examination, and also safeguard consumers, who depend on the examination to

determine if an applicant for licensure has the minimum skills required to perform his or her trade effectively and safely.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:

None.

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

This proposal would have no effect on a small business establishment licensed by the Board unless that establishment was subject to disciplinary action.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Contact Person:

Name: Kevin Flanagan
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA 95834
Telephone: (916) 575-7100
Fax: (916) 575-7281
Email
Address: Kevin.Flanagan@dca.ca.gov

Backup Contact Person:

Name: Kari Frank
Address: 2420 Del Paso Rd., Suite 100
Sacramento, CA 95834
Telephone: (916) 575-7100
Fax: (916) 575-7281
Email
Address: Kari.Frank@dca.ca.gov

Web Site Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter “the Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action orally or in writing at a hearing to be held at the following date, time and location:

Monday, June 6, 2011

10:00 a.m.

Board of Barbering and Cosmetology
Sequoia Room
2420 Del Paso Road
Sacramento, California 95834

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **Monday, June 6, 2011** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7312 and 7362 of the Business and Professions Code, and to implement, interpret or make specific Sections 7362.5, 7365, 7366 and 7395.1 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Sections 950.1, 950.4 and 950.5, California Code of Regulations

Section 7362 of the Business and Professions Code requires the Board to set the subject matter for barbering

and cosmetology curriculums offered at Board-approved trade schools, including the minimum number of hours of technical instruction and number of practical operations for each subject. The Board is proposing to change its existing requirements for the barbering, nail care and electrology curriculums to put greater emphasis on health and safety instruction and allow schools to offer courses of study that are more relevant to the real world. The Board has already taken steps to accomplish this by amending the cosmetology (OAL Files # 2008–0912–01SR and 2009–0219–01N) and skin care (OAL Files # 2008–1231–02SR) curriculums.

Repeal Sections 962.3, 962.4, 962.5 and 962.6, California Code of Regulations

Section 7395.1 of the Business and Professions Code gives barbering and cosmetology students the option of working as unpaid “externs” to earn credit toward completing their curriculum requirements, for which the Board set up complimentary, but separate, extern curriculums for cosmetology, skin care, nail care and the barbers in a cosmetology crossover program. Over the years, however, it became clear to the Board that many barbering and cosmetology establishments that might otherwise have agreed to serve as an externship site, were declining because of the extern curriculum. Establishment owners complained that the curriculum did not accurately reflect the activities of a shop and that teaching the extern curriculum interfered with their business. They argued that students would be better served by focusing on the “real world” activities of a shop. The Board has determined that the best course of action under the circumstances is to repeal the curriculums altogether.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17600–17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will have no impact on the creation of jobs or new

businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will have no effect on small businesses. The regulations merely change already existing curriculums already taught by barbering and cosmetology schools.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Road, Suite 100, Sacramento, California 95834.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Kevin Flanagan, Legislation and
Regulations Analyst
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7100
Fax No.: (916) 575-7281
E-Mail Address: Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name: Kari Frank
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834
Telephone No.: (916) 575-7100
Fax No.: (916) 575-7281
E-Mail Address: Kari.Frank@dca.ca.gov

Web site Access: Materials regarding this proposal can be found at www.barbercosmo.ca.gov under "Laws and Regulations/Proposed Regulations."

**TITLE 16. BOARD OF BARBERING
AND COSMETOLOGY**

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest after considering all comments, objections and recommendations.

The Board has not scheduled a hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m., **June 6, 2011**. The

Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Section 7312 and 7303.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 7316, 7317, 7346 and 7404 of the Business and Professions Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Adopt Section 966

Section 7312 of the Business and Professions Code authorizes the Board to adopt regulations that are reasonably necessary to protect the health and safety of the public, and Section 7303.1 makes protection of the public the Board's highest priority. This proposed regulation would require barbering and cosmetology establishments to list any services performed on the premises that are not regulated by the Board of Barbering and Cosmetology.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing

businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business

The cost impact that a representative private person or business would incur because of the proposed action depends upon their compliance with the Board's regulation, but is not expected to be significant.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that although this regulatory proposal would require a small business to post a sign, there is no significant cost involved because the sign could be as simple as a handwritten notice.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS AND
INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd., Suite 100, Sacramento, CA 95834.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Contact Person:

Name: Kevin Flanagan
 Address: 2420 Del Paso Rd., Suite 100
 Sacramento, CA 95834
 Telephone: (916) 575-7100
 Fax: (916) 575-7281
 Email
 Address: Kevin.Flanagan@dca.ca.gov

Backup Contact Person:

Name: Kari Frank
 Address: 2420 Del Paso Rd., Suite 100
 Sacramento, CA 95834
 Telephone: (916) 575-7100
 Fax: (916) 575-7281
 Email
 Address: Kari.Frank@dca.ca.gov

Web Site Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov.

TITLE 18. FRANCHISE TAX BOARD

As required by Government Code section 11346.4, this is notice that a public hearing has been scheduled at 1:00 p.m., June 14, 2011, at the Franchise Tax Board, Golden State Room A/B, 9646 Butterfield Way, Sacramento, CA 95827, to consider the amendment of California Code of Regulations, title 18, section 19591, pertaining to specialized tax service fees.

An employee of the Franchise Tax Board will conduct the hearing. Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action, if any person makes such a request in writing. If a written request is received, the three-member Franchise Tax Board will consider the proposed regulatory action prior to adoption.

Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., June 14, 2011. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001) and Part 11 (commencing with section 23001). Section 19591 authorizes the Franchise Tax Board to prescribe any regulations that are necessary to reimburse the board for the costs of administering specialized services, including the board's direct and indirect costs for providing specialized tax services. The proposed regulatory action interprets, implements, and makes specific section 19591 of the Revenue and Taxation Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Franchise Tax Board has authority under Assembly Bill 1546 (Stats. 2009, ch. 544) to charge a fee for expedited limited partnership revival confirmation letters. This fee is statutorily set at \$100 until January 1, 2011, at which time it requires regulations to set it and impose it thereafter.

The amendments to Regulation section 19591 would establish the specialized tax service fee for the issuance of a limited partnership revival confirmation letter at \$56 for periods on or after the effective date of the amendments to the regulation. In addition, the fees for the installment payment programs and expedited services set forth in subsection (b) (1) and (2) would also be amended. For the installment payment programs, the fees would increase, with the fee for individual taxpayers now \$34 and the fee for business entity taxpayers now \$50, both effective on July 1, 2011. For expedited services, the fees would decrease, with corporation revivor requests now \$56 and tax-exempt status requests now \$40, both effective as of the effective date of the amendments to the regulation.

**DISCLOSURES REGARDING THE PROPOSED
REGULATORY ACTION**

Mandate on local agencies and school districts: None.
 Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Significant statewide adverse economic impact directly affecting business including the ability of

California businesses to compete with businesses in other states: None.

Cost to directly affected private persons/businesses potential: Individual and business entity taxpayers would pay increased fees for installment payment programs.

Significant effect on the creation or elimination of jobs in the state: None.

Significant effect on the creation of new businesses or elimination of existing businesses within the state: None.

Significant effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: None. Business entity taxpayers would pay increased fees for installment payment programs.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Franchise Tax Board has prepared an initial statement of the reasons for the proposed regulatory action. The express terms of the proposed regulatory action, the initial statement of the reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov>.

CHANGE OR MODIFICATION OF ACTIONS

The regulations and amendments may also be adopted with modifications if the changes are nonsubstantive or the resulting regulations are sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulations as modified could result from that originally proposed. The text of the regulations as modified will be made available to the public at least 15 days prior to the

date on which the regulations are adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

ADDITIONAL COMMENTS

If you plan on attending or making an oral presentation at the regulation hearing, please contact the agency officer named below.

The hearing room is accessible to persons with physical disabilities. Any person planning to attend the hearing, who is in need of a language interpreter, including sign language, should contact the officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick, Franchise Tax Board, Legal Division, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail Colleen.Berwick@ftb.ca.gov or the designated backup, Delinda R. Tamagni; Telephone (916) 845-5089; Fax (916) 843-0219; E-Mail: Delinda.Tamagni@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Delinda R. Tamagni; Tel.: (916) 845-5089. This notice, the initial statement of reasons and express terms of the proposed regulations are also available at the Franchise Tax Board's website at www.ftb.ca.gov.

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE 2010 CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2 2010 ANNUAL RULEMAKING CYCLE

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The SFM is proposing additional amendments and building standards related to the 2010 California Building Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011.

Please address your comments to:

**California Building Standards Commission,
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13100.1, 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3; Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13100.1 The functions of the office shall be to foster, promote and devel-

op ways and means of protecting life and property against fire and panic.

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations

shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 2, 2010 California Building Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update the 2010 California Building Code (California Code of Regulations, Title 24, Part 2) based upon updated information or recent actions of the SFM. This proposed action:

- Repeals certain amendments to the 2009 International Building Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(2)(7).
- Adopts and implements additional necessary amendments to the 2010 California Building Code that address inadequacies of the 2009 International Building Code as they pertain to California laws.
- Codifies non-substantive editorial and formatting amendments to the 2010 California Building Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section in regards to the annual code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 International Building Code and published as the 2010 California Building Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the CBC establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2010 California Building Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or Savings to any state agency: **NO**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Other nondiscretionary cost or savings imposed on local agencies: **NO**
- Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at

the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson
Supervising Deputy State Fire Marshal
Office of the State Fire Marshal
Code Development and Analysis Division
1131 S Street
Sacramento, CA 95811

kevin.reinertson@fire.ca.gov
Telephone No.: (916) 327-4998
Facsimile No.: (916) 445-8459

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE 2010 CALIFORNIA RESIDENTIAL CODE CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 2.5 2010 ANNUAL RULEMAKING CYCLE

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained

in the California Code of Regulations (CCR), Title 24, Part 2.5. The SFM is proposing additional amendments and building standards related to the 2010 California Residential Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011.

Please address your comments to:

**California Building Standards Commission,
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143,

13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3; Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities,

and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment

houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 2.5, 2010 California Residential Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update the 2010 California Residential Code (California Code of Regulations, Title 24, Part 2.5) based upon updated information or recent actions of the SFM. This proposed action:

- Repeals certain amendments to the 2009 International Residential Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopts and implements additional necessary amendments to the 2010 California Residential Code that address inadequacies of the 2009 International Residential Code as they pertain to California laws.
- Codifies non-substantive editorial and formatting amendments to the 2010 California Residential Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section in regards to the annual code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 International Residential Code and published as the 2010 California Residential Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the 2010 California Residential Code establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2010 California Residential Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or Savings to any state agency: **NO**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Other nondiscretionary cost or savings imposed on local agencies: **NO**
- Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at

the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson
Supervising Deputy State Fire Marshal
Office of the State Fire Marshal
Code Development and Analysis Division
1131 S Street
Sacramento, CA 95811

kevin.reinertson@fire.ca.gov
Telephone No.: (916) 327-4998
Facsimile No.: (916) 445-8459

TITLE 24. BUILDING STANDARDS COMMISSION

**NOTICE OF PROPOSED ACTION
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2010 CALIFORNIA
ELECTRICAL CODE CALIFORNIA CODE OF
REGULATIONS TITLE 24, PART 3
2010 ANNUAL RULEMAKING CYCLE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained

in the California Code of Regulations (CCR), Title 24, Part 3. The SFM is proposing additional amendments and building standards related to the 2010 California Electrical Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011.

Please address your comments to:

**California Building Standards Commission,
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135, 13143,

13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3 Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 131317 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities,

and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment

houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 9, 2010 California Electrical Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update the 2010 California Electrical Code (California Code of Regulations, Title 24, Part 3) based upon updated information or recent actions of the SFM. This proposed action:

- Repeals certain amendments to the 2009 National Electrical Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopts and implements additional necessary amendments to the 2010 California Electrical Code that address inadequacies of the 2009 National Electrical Code as they pertain to California laws.
- Codifies non-substantive editorial and formatting amendments to the 2010 California Electrical Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act in accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section in regards to the annual code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 National Electrical Code and published as the 2010 California Electrical Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the 2010 California Electrical Code establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2010 California Electrical Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or Savings to any state agency: **NO**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Other nondiscretionary cost or savings imposed on local agencies: **NO**
- Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at

the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson
Supervising Deputy State Fire Marshal
Office of the State Fire Marshal
Code Development and Analysis Division
1131 S Street
Sacramento, CA 95811

kevin.reinertson@fire.ca.gov
Telephone No.: (916) 327-4998
Facsimile No.: (916) 445-8459

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2010 CALIFORNIA FIRE
CODE CALIFORNIA CODE OF
REGULATIONS TITLE 24, PART 9
2010 ANNUAL RULEMAKING CYCLE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of the State Fire Marshal (SFM) proposes to adopt, approve, codify, and publish building standards contained

in the California Code of Regulations (CCR), Title 24, Part 9. The SFM is proposing additional amendments and building standards related to the 2010 California Fire Code.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011.

Please address your comments to:

**California Building Standards Commission,
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code section 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928.

The SFM is proposing this regulatory action pursuant to Health and Safety Code Sections 13100.1, 13108, 13211, 13113, 13113.5, 13114, 13132.7, 13133, 13135,

13143, 13143.1, 13143.6, 13143.9, 13146, 17921 and 18897.3 Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13100.1 The functions of the office shall be to foster, promote and develop ways and means of protecting life and property against fire and panic.

Health and Safety Code Section 13108(a) The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

Health and Safety Code Section 13113 An automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

Health and Safety Code Section 13113.5 The State Fire Marshal shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

Health and Safety Code Section 13114(a) The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

Health and Safety Code Section 13132 Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

Health and Safety Code Section 13132.7 Mandates fire retardant roof coverings in fire hazard severity zones.

Health and Safety Code Section 13133(a) The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

Health and Safety Code Section 13135 The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

Health and Safety Code Section 13143 grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Health and Safety Code Section 13143.1(a) The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

Health and Safety Code Section 13143.6(a) The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used or intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

Health and Safety Code Section 13143.9(a) The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

Health and Safety Code Section 13211 The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

Health and Safety Code Section 17921(b) The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of

Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

Health and Safety Code Section 18928(a) requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

Health and Safety Code Section 18897.3 Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

Health and Safety Code Section 18949.2(b) The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

Summary of Existing Regulations

The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 9, 2010 California Fire Code with SFM amendments and additional building standards relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above.

Summary of Effect

The general purpose of this proposed action is principally intended to update the 2010 California Fire Code (California Code of Regulations, Title 24, Part 9) based

upon updated information or recent actions of the SFM.
This proposed action:

- Repeals certain amendments to the 2009 International Fire Code and/or California Building Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopts and implements additional necessary amendments to the 2010 California Fire Code that address inadequacies of the 2009 International Fire Code as they pertain to California laws.
- Codifies non-substantive editorial and formatting amendments to the 2010 California Fire Code.

Comparable Federal Statute or Regulations

The SFM has determined that there are no comparable federal regulations or statutes addressing the fire and life safety requirements as presented in this notice.

Policy Statement Overview

The specific purpose of this rulemaking effort by the SFM is to act accordance with Health and Safety Code section 18929.1, which requires all proposed regulations to specifically comply with this section in regards to the annual code adoption cycle.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2006 International Fire Code and published as the 2010 California Fire Code.

The SFM further proposes to offer new amendments where necessary to ensure that the regulations of the 2010 California Fire Code, establish and or maintain minimum requirements for the prevention of fire and panic for the protection of life and property against fire and panic in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other prescribed statutes or any specific regulation or class of regulation applicable to the amendments and building standards relating to the 2010 California Fire Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- Cost or Savings to any state agency: **NO**
- Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- Other nondiscretionary cost or savings imposed on local agencies: **NO**
- Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code Sections 13143, 18928, 18949.2(b), 18949(c) and the mandates of the statutory authority of the SFM as shown in the Informative Digest.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The SFM has made an assessment of the proposed code changes and has determined that these changes would not require a report; therefore, a finding is not necessary for the health, safety, or welfare of the people of the state that the regulation is applicable to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a)(13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at

the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Kevin Reinertson
Supervising Deputy State Fire Marshal
Office of the State Fire Marshal
Code Development and Analysis Division
1131 S Street
Sacramento, CA 95811

kevin.reinertson@fire.ca.gov
Telephone No.: (916) 327-4998
Facsimile No.: (916) 445-8459

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC) REGARDING THE PROPOSED CHANGES TO ADMINISTRATIVE CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1

AMEND CHAPTER 1 OF PART 1

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, ap-

prove, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24. CBSC is proposing building standards related to amendments, reformatting, and new regulations for the 2010 California Administrative Code, CCR, Title 24, Part 1.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011.

Please address your comments to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director**

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted in Government Code 11000, 11346.1, 11346.5, 82019, and 87306; and Health and Safety Code 18909, 18929, 18929.1, 18930, 18930.5, 18931, 18931(f), 18931.6, 18931.7, 18934, 18935, 18937, 18945, 18946, and 18949.6.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code 11000, 11346.1, 11346.5, 82019, and 87306 and Health and Safety Code Sections 18909, 18925, 18927, 18929-18932, 18934, 18935, 18936, 18945, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

INFORMATIVE DIGEST

Summary of Existing Laws

Government Code 11000 defines commissions and other referenced departments as “state agencies.”

Government Code 11346.1 allows for regulations to be adopted on an emergency basis within defined parameters and holds that emergency building regulations be filed with CBSC and not with the Office of Administrative Law (OAL).

Government Code 11346.5 establishes requirements for public notices of proposed regulatory adoption, including economic impact statements, statements of potential impact on California businesses, effect on housing costs, and where and how to obtain copies of the proposed regulations.

Government Code 82019 defines a “designated employee” for the purposes of the Conflict of Interest Code.

Government Code 87306 requires that a state agency report to the Fair Political Practices Commission changes to its Conflict of Interest Code on a biennial basis.

Health and Safety Code 18909 defines what is and what is not a building standard.

Health and Safety Code 18925 provides for CBSC to appoint an Executive Director with defined responsibilities.

Health and Safety Code 18927 permits CBSC to appoint advisory panels composed of volunteers from professions most likely to be knowledgeable in and affected by building standards, to advise CBSC.

Health and Safety Code 18929 through 18932 outline the duties of CBSC in its review of building standards proposed by state agencies; criteria to be used for acceptance; authority of CBSC to propose green building standards where no other agency has authority; procedural duties of CBSC; reimbursement by state agencies for review and development of building standards; establishment of a local fee on building permits to be used by CBSC and other agencies in the development and training of building standards, primarily green building standards; permission for CBSC to accept grants and gifts to perform its duties; and content of the code and authority of CBSC for its format.

Health and Safety Code 18934 requires state agencies proposing to adopt building standards to adopt and sub-

mit to CBSC regulations for procedures that insure public participation.

Health and Safety Code 18935 requires that state agencies proposing to adopt building standards meet requirements, for public noticing and hearings, of California Government Code, Division 3, Part 1, Chapter 3.5, beginning with Section 11340, known as the Administrative Procedure Act (APA); and that CBSC shall submit agency notices to OAL for the purpose of publication in the California Regulatory Notice Register.

Health and Safety Code 18936 holds that CBSC shall mail notices of its meetings to organizations or parties submitting written requests for them at least 15 days prior to those meetings.

Health and Safety Code 18937 requires CBSC to act on emergency building standards proposals within 30 days, provided the proposing agency has made a finding of emergency in accordance with the APA. CBSC must concur with the finding of emergency in its approval actions.

Health and Safety Code 18945 sets forth a process for an appeal to CBSC of any state agency's action respecting the administration of any building standard.

Health and Safety Code 18946 describes the options CBSC has in hearing or referring appeals and requires a written decision on an appeal.

Health and Safety Code 18949.1 through 18949.5 define the authority for CBSC to adopt building standards on behalf of certain state agencies, and include provisions for the California Energy Commission in its adoption of building standards to follow the time schedule for code cycles set by CBSC.

Health and Safety Code 18949.6 requires CBSC to adopt regulations for the procedure for adopting building standards and administrative regulations that apply to implementation or enforcement of building standards. Regulations shall facilitate adoption of model building codes and shall allow for compliance with the APA.

Summary of Existing Regulations

Chapter 1 of Part 1 contains the administrative regulations of CBSC in ten articles, describing duties and procedures to be followed in implementation of California Building Standards Law. While some changes have been made in the last few years to reflect changes in the law, overall the regulations have not been updated in some time.

Summary of Effect

The proposed standards streamline and update the format and content of CBSC's administrative regulations, which are out of date and do not reflect current practices with regard to use of the internet to communicate regulatory activities. The number of articles is proposed to be reduced to five, realigning sections for con-

sistency and clarity for the code user and adding new regulations for appeals and changes without regulatory effect. Recent legislative activity is reflected in the change from an annual code adoption cycle to an 18-month cycle.

Comparable Federal Statute or Regulations

CBSC is not aware of an existing comparable federal statute or regulation.

Policy Statement Overview

The proposed regulations will bring currency to CBSC's administrative regulations to reflect recent legislative changes, the use of CBSC's website to publicize regulatory activities, and a need for a new standard for non-regulatory code changes similar to OAL's.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The CBSC has made an initial determination that the adoption/amendment/repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California

businesses to compete with business in other states. The proposed regulations are primarily internal to CBSC and affected state agencies and if anything, are intended to bring more transparency to CBSC processes.

DECLARATION OF EVIDENCE

CBSC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
These regulations will not affect the creation of or elimination of jobs within the State of California.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation of or elimination of new businesses within the State of California
- @ The expansion of businesses currently doing business with the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC has made an initial determination that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

www.bsc.ca.gov

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Jim McGowan, Jim.McGowan@dgs.ca.gov

CBSC CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, jane.taylor@dgs.ca.gov

**2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

**Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959**

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT REGARDING
THE AMENDMENT OF THE 2010
CALIFORNIA GREEN BUILDING
STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 11
(HCD 01/10)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11.

This rulemaking action covers the amendment of green building standards.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **April 22, 2011, until 5:00 p.m. on June 6, 2011**. Please address your comments to:

**California Building Standards Commission,
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indi-

cated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to amend these building standards under the authority granted by Health and Safety Code Section 18949.5. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865 and 19990; and Government Code Sections 12955.1 and 12955.1.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17060, 17910-17990, 18620, 18630, 18640, 18670, 18690, 18691, 18873-18873.5 and 19960-19997.

INFORMATIVE DIGEST

Summary of Existing Laws

Section 17921 of the Health and Safety Code requires HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for ". . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The 2010 California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations (CCR), also known as the California Building Standards Code, became effective on January 1, 2011.

The purpose of the California Green Building Standards Code, also known as CALGreen, is to improve

public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality. CALGreen also includes standards designed to address unique California conditions.

Summary of Effect

HCD proposes to amend the 2010 edition of the California Green Building Standards Code (CGBC) into CCR, Title 24, Part 11 for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto.
- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The standards provide consistency with model code format, state and federal laws and regulations, and address unique California conditions, in addition, the regulations provide clarity and specificity, and give direction for the code user.

A discussion of the effect of the regulations may be found in the initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The purpose of the adoption of the California Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental air quality.

The proposed regulations will adopt building standards that will affect the following: residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; and the use of General Design, Structural, and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Therefore, it does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards by the California Building Standards Commission (CBSC). At the direction of the Governor, HCD collaborated with the CBSC and other state agencies to develop green building standards. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or otherwise identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and the Initial Statement of Reasons can be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov> and also will be posted on HCD's website at <http://www.hcd.ca.gov/codes/shl/t24.html>.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Michael Nearman (michael.nearman@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE PROPOSED
BUILDING STANDARDS AND/OR TECHNICAL
QUESTIONS ON THE PROPOSED
BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Shawn Huff
State Housing Law Programs Manager
Division of Codes and Standards
Department of Housing and Community Development
E-mail: shuff@hcd.ca.gov
Telephone: (916) 445-9471
Fax: (916) 327-4712

Back-up:

Doug Hensel
Assistant Deputy Director
Division of Codes and Standards
Department of Housing and Community Development
E-mail: dhensel@hcd.ca.gov
Telephone: (916) 445-9471
Fax: (916) 327-4712

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC)**

**REGARDING AMENDMENTS TO THE 2010
CALIFORNIA BUILDING STANDARDS CODE,
TITLE 24, CALIFORNIA CODE OF
REGULATIONS (CCR), PARTS 2, 3, 4, 5 and 6 in
TITLE 24, CCR, PART 11,
CALIFORNIA GREEN BUILDING
STANDARDS CODE**

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish primarily voluntary green building standards in CCR, Title 24, Part 11, which is currently reserved.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 16600, 18928, 18930.5, 18934.5, 18934.6, and 18938(b) and Government Code Section 14617. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC, Sections 16600 through 16604 and Division 13, Part 2.5, commencing with Section 18901; and Government Code Section 14617.

INFORMATIVE DIGEST

Summary of Existing Laws

H&SC Section 16600 authorizes the commission and the Division of the State Architect to develop and adopt building seismic retrofit guidelines for state buildings.

H&SC Section 18928 authorizes the commission to adopt the most recent edition of model codes, national standards, or specifications.

H&SC Section 18934.5 sets forth that, where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

H&SC Section 18934.6 mandates that the commission shall adopt, approve, codify, and publish by reference Appendix Chapter 1 of the International Existing Building Code for providing the minimum standards for unreinforced masonry buildings.

H&SC 18930.5 grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

H&SC Section 18938(b) provides that model code standards as referenced in the California Building Standards Code (CCR, Title 24) shall apply to all occupancies throughout the state, and shall become effective 180 days after publication in the California Building Standards Code by CBSC, or on a later date after publication established by CBSC.

H&SC Section 38500 et seq. (AB 32, Stats 2006, c. 488) requires a cap on greenhouse gas (GHG) emissions by 2020, mandatory emissions reporting, and a market-based compliance program.

Government Code Section 14617 authorizes the commission and the Division of State Architect to establish a standard of lighting for parking lots at the University of California, California State University, and California Community Colleges.

Government Code Sections 65601 through 65607 regulate use of recycled water in landscaping.

Public Resources Code Sections 42900 through 42911 provide for access in development projects to adequate areas for collection and loading of recyclable materials, and include a model ordinance for local agency adoption.

Summary of Existing Regulations

California Code of Regulations (CCR), Title 24, also referred to as the 2010 California Building Standards Code incorporates the following:

- Part 1, the California Administrative Code, with administrative regulations for CBSC and the California Energy Commission (CEC).
- Part 5, the California Plumbing Code, with Appendix G graywater irrigation standards authored by Department of Water Resources.
- Part 6, the California Energy Code, which contains minimum energy efficiency standards for nonresidential buildings in California promulgated by the CEC.
- Part 11, the California Green Building Standards Code (CGBSC), also known as the CALGreen Code, which contains mandatory and voluntary green building standards for residential, nonresidential, and medical facilities.

Other relevant CCR titles:

- Title 17 includes regulations for air quality promulgated by the California Air Resources Board.
- Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures.
- Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

Summary of former Governor Schwarzenegger's Executive Orders

S-20-04, December 14, 2004, instructs state entities to design, construct, and operate all new and renovated state-owned facilities paid for with state funds as "LEED Silver" or higher certified buildings.

S-3-05, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secre-

tary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

S-20-06, October 17, 2006, directs CalEPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.

Summary of Effect

This proposed action will make effective mandatory and voluntary green building standards available in Title 24, Part 11 for buildings under authority of CBSC, on a date commensurate with the 2010 annual code adoption cycle, either 180 days after publication in Title 24 or at a later date determined by CBSC.

Comparable Federal Statute or Regulations

The Environmental Protection Agency (EPA) defines "Brownfield Development", an option proposed for site planning and design. EPA also regulates ozone-depleting and climate warming chemicals, as well as other air pollutants like wood smoke in updates to the 1970 Clean Air Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., also known as the Clean Water Act) is adopted in California by the State Water Resources Control Board for management of storm water during construction.

Policy Statement Overview

In 2009, CBSC adopted updated mandatory and voluntary standards for site planning and design, energy efficiency, water conservation, material conservation, and environmental quality, incorporating public comments received in the last code cycle as well as during the 2009 code development process. These standards, codified into the 2010 CGBSC, were the subject of training by CBSC and other entities in 2010 and generated additional comments and recommendations. Working with its green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, CBSC is currently proposing modifications to the 2010 standards intended to clarify and improve the code for its various users.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CBSC has determined that projects following the Green Building Code would impose a mandate on local agencies in the form of verification. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. No mandate is imposed on school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: CBSC has prepared an Economic and Fiscal Impact Statement, Form 399, to assess the impact of the proposed action. It is available on request of CBSC from contacts noted below.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

CBSC is aware of initial cost impacts that a representative private person or business could incur in reasonable compliance with the proposed action. However, it is also anticipated that such costs would be recouped in long-range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.** These regulations, employing emerging green building technologies, products, and services, should create jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for businesses currently doing business within the State of California.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

**CONSIDERATION OF
REASONABLE ALTERNATIVES**

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the persons named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

Jim McGowan, Deputy Executive Director
Jim.McGowan@dgs.ca.gov

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Senior Architect
jane.taylor@dgs.ca.gov

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS
COMMISSION (CBSC) REGARDING THE
AMENDMENT OF THE 2010 CALIFORNIA
MECHANICAL CODE (CMC),
CALIFORNIA CODE OF REGULATIONS
(CCR), TITLE 24, PART 4**

Notice is hereby given that the CBSC proposes to adopt, approve, codify, and publish changes to building standards contained in the CCR, Title 24, Part 4.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. CBSC is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18928.1 Building standards; incorporation of model codes, applicable national specifications or published standards; publication agreement

Allows that agencies may propose for approval by the commission the text of model codes, applicable national specifications or published standards with appropriate additions or deletions therefrom.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The 2010 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. It incorporates, by adoption, by the California Building Standards Commission, the 2009 Uniform Mechanical Code (UMC) of the International Association of Plumbing and Mechanical Officials (IAPMO) with amendments, including references to the latest national standards for heating, cooling and ventilating duct insulation, for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make necessary amendments for state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication, clarifying for the code user standards for heating, cooling and ventilating duct insulation in the 2010 CMC.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by CBSC.

Policy Statement Overview

This proposed amendment of the 2010 CMC, makes applicable to state owned building projects, or any person seeking a building permit at the local level, corrections to heating, cooling and ventilating duct insulation standards that were adopted in error with the adoption and amendment of the 2009 UMC.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts in that the codes apply to all occupancies throughout the state. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
 - B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
 - C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
 - D. Other nondiscretionary cost or savings imposed on local agencies: **None**
 - E. Cost or savings in federal funding to the state: **None**
- Estimate: **None**

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional ev-

idence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

The CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- @ **The creation or elimination of jobs within the State of California.**
These regulations will not affect the creation of or elimination of jobs within the State of California.
- @ **The creation of new businesses or the elimination of existing businesses within the State of California.**
These regulations will not affect the creation of or the elimination of existing business within the State of California.
- @ **The expansion of businesses currently doing business with the State of California.**
These regulations will not affect the expansion of businesses currently doing business within the State of California

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING
DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSONS FOR THE
PROPOSED CHANGES TO
BUILDING STANDARDS

Procedural and administrative questions. General questions regarding procedural and administrative issues should be addressed to:

Jim McGowan, Deputy Executive Director,
Jim.Mcgowan@dgs.ca.gov

Substantive and/or technical questions. Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Michael Nearman, Architectural Assoc./Code Analyst,
Michael.Nearman@dgs.ca.gov

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**

**REGARDING THE 2010 CALIFORNIA
ADMINISTRATIVE CODE
AND
THE 2010 CALIFORNIA BUILDING CODE**

**CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PARTS 1 & 2 — STRUCTURAL**

HEALTH FACILITIES CONSTRUCTION

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office

of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 1 & 2, Structural regulations. The OSHPD is proposing building standards related to the structural requirements for health facilities construction.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to **CBSC@dgs.ca.gov**.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 1226, 1275, 129790 & 129850. The OSHPD is proposing this regulatory ac-

tion based on Health and Safety Sections 1226, 1275, 129790 & 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 2, Volume 2 contains structural requirements for the construction of hospitals, skilled nursing and intermediate care facilities, licensed clinics, and correctional treatment centers.

Summary of Effect

The proposed regulations adopt supplement No. 2 of reference standard ASCE 7-05, which will mitigate the deficiencies in minimum base shear calculations; adopt supplement No. 1 of reference standard ASCE 41-06, which addresses the seismic performance of existing concrete buildings; prohibit the use of precast concrete intermediate shear walls based on commentary in updated concrete design reference standard ACI 318-08; and adopt a new standard for epoxy injection repair of concrete and masonry, ACI 503.7-07.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to this proposed action.

Policy Statement Overview

Title 24, Part 2, Volume 2 contains regulations for the review and construction of health facilities regulated by OSHPD. The proposed changes are intended to clarify existing regulations, to implement statutory requirements, to repeal outdated regulations, reflect current practices, and to coordinate California amendments with model code language.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to be identified.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The proposed regulations are technical and editorial amendments that will provide clarification and consistency with nationally recognized standards and statute.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

A report pursuant to Government Code § 11346.3(c) is not required by the proposed regulations.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
The proposed action would not have an effect on the creation or elimination of jobs within the State of California.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
The proposed action would not have an effect on the creation of new businesses or elimination of existing businesses within the State of California.
- @ The expansion of businesses currently doing business with the State of California.
The proposed action would not have an effect on the expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Arch. Assoc.
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Supervisor, Health Facilities
Review
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2, VOLUME 1

Health Facility Construction

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2, Volume 1. OSHPD is proposing building standards related to health facilities design and construction.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 1226, 1275, 129790 and 129850. OSHPD is proposing this regulatory action based on Health and Safety Code 129850.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary,

in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 2, Volume 1, 2010 California Building Code (CBC) is based on the 2009 International Building Code with California amendments. The CBC contains requirements for the design and construction of service space for hospitals, skilled nursing facilities, licensed clinics and correctional treatment.

Summary of Effect

The proposed regulations amend space requirements for endoscopy and Magnetic Resonance Imaging (MRI) services in hospitals and the adoption of new space requirements for cancer treatment/infusion therapy services. Additionally, new optional "household model" provisions for skilled nursing facilities are being proposed for adoption.

Editorial and minor technical modifications to the existing requirements are also being proposed for clarification and consistency within the code.

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

The OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the 'Economic and Fiscal Impact Statement' (Form 399))

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**
Estimate: N/A

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Arch. Assoc.
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Supervisor, Health Facilities
Review
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**

**REGARDING THE CALIFORNIA
ELECTRICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 3**

Health Facilities Construction

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD)

proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 3. The OSHPD is proposing building standards related to health facilities.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health & Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 1226, 1275, 129790 and 129850. OSHPD is proposing this regulatory action based on Health and Safety Code 129850.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 3, 2010 California Electrical Code (CEC) is based on the 2008 National Electrical Code with California amendments. The CEC contains electrical requirements pertaining to the construction of hospitals, skilled nursing facilities, intermediate-care facilities, licensed clinics, and correctional treatment centers.

Summary of Effect

The proposed regulations will update the CEC requirements for nurse call systems in health facilities and make them consistent with current nationally recognized standards. The proposed amendments are based on the national standards of UL 1069: *Standards for Hospital Signaling and Nurse Call* and The Facility Guidelines Institute's *Guidelines for Design and Construction of Health Care Facilities*. In addition, minor technical change will provide clarification that essential electrical system requirements apply to ambulatory surgical clinics.

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**
Estimate: N/A

**INITIAL DETERMINATION OF SIGNIFICANT
STATEWIDE ADVERSE ECONOMIC IMPACT
ON BUSINESSES**

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact

on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise

been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Arch. Assoc.
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Supervisor, Health Facilities
Review
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT**

**REGARDING THE CALIFORNIA
MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 4**

Health Facility Construction

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. OSHPD is proposing building standards related to health facilities.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15

days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health & Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 1226, 1275, 129790 and 129850. OSHPD is proposing this regulatory action based on Health and Safety Code 129850.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 4, 2010 California Mechanical Code (CMC), is based on the 2009 Uniform Mechanical Code with California amendments. The CMC contains mechanical system requirements for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed regulations make a correct reference to the California Building Code for consistency within the code. Technical and editorial modifications are being proposed for Table 315 — Heating, Cooling and Relative Humidity Requirements for Sensitive Areas or Rooms that are consistent with the nationally recognized standards of ASHRAE 170 — 2008. In addition, air pressure and ventilation requirements for specific areas and rooms of health facilities are being added to Table 4—A to provide clarity.

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**

- E. Cost or savings in federal funding to the state: **No**
Estimate: N/A

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made a determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.

- These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHPD has made a determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Arch. Assoc.
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Health Facilities Review
Supervisor
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE CALIFORNIA PLUMBING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5

Health Facility Construction

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. OSHPD is proposing building standards related to health facilities.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly

authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health & Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 1226, 1275, 129790 and 129850. OSHPD is proposing this regulatory action based on Health and Safety Code 129850.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E.

Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 5, 2010 California Plumbing Code (CPC), is based on the 2009 Uniform Plumbing Code with California amendments. The CPC contains plumbing system requirements for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

Summary of Effect

The proposed regulations make a correct reference to the California Building Code for consistency within the code. Additionally, technical and editorial modifications to Table 4-2 — Minimum Plumbing Facilities are being proposed that will provide clarity and consistency within the code.

Comparable Federal Statute or Regulations

There is no federal statute or regulation related to this proposed action.

Policy Statement Overview

OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to identify.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

A. Cost or Savings to any state agency: **No**

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**
Estimate: N/A

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

- These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

OSHDP has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

OSHDP must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Arch. Assoc.
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Health Facilities Review
Supervisor
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.ca.gov
(916) 440-8300
FAX (916) 324-9188

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING AMENDMENT OF THE 2010 CALIFORNIA BUILDING CODE (CBC), FOR USE IN THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 2

Notice is hereby given that the CBSC proposes to adopt, approve, codify, and publish building standards contained in the CCR, Title 24, Part 2.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011, until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928, 18928.1 and 18938(b). The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to amend the most recent edition of the California Building Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Health & Safety Code Section 18938(b). Publication, effective date

Sets forth that building standards contained in the model codes, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective a minimum of 180 days after publication.

Summary of Existing Regulations

The existing 2010 California Building Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2009 International Building Code of the international Code Council with amendments.

Summary of Effect

This proposed action will amend the 2010 CBC with necessary amendments for attic ventilation in Chapter 12 and for retaining walls in Chapter 18 that have been approved for publication in the 2012 International Building Code.

Comparable Federal Statute or Regulations

There are no comparable Federal Statutes or regulations related to the proposed action by the California Building Standards Commission.

Policy Statement Overview

The proposed amendments to the California Building Code make applicable to state owned building projects, or any person seeking a building permit at the local level, standards for attic ventilation and retaining walls that were introduced to agencies during the 2009 annual code cycle and that have been approved for the 2012 International Building Code.

**OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS**

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts and does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: None
 - B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
 - C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: None
 - D. Other nondiscretionary cost or savings imposed on local agencies: None
 - E. Cost or savings in federal funding to the state: None
- Estimate: None

**INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES**

CBSC has made an initial determination that the adoption of these amendments will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

CBSC affirms that the rulemaking action complies with the mandates set forth by the Health & Safety Code, Section 18928, & 18934.5.

Therefore, CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

**FINDING OF NECESSITY FOR THE PUBLIC'S
HEALTH, SAFETY, OR WELFARE**

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.
These regulations will not affect the creation of or elimination of jobs within the State of California.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation of or the elimination of existing business within the State of California.
- @ The expansion of businesses currently doing business with the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California

**INITIAL DETERMINATION OF SIGNIFICANT
EFFECT ON HOUSING COSTS**

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the pur-

pose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to: Jim McGowan, Deputy Executive Director, jim.mcgowan@dgs.ca.gov.

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to: Jane Taylor, Senior Architect, jane.taylor@dgs.ca.gov.

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No: (916) 263-0916

Facsimile No: (916) 263-0959

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING AN AMENDMENT TO THE FOLLOWING CALIFORNIA CODES: 2010 CALIFORNIA BUILDING CODE (CBC) 2010 CALIFORNIA RESIDENTIAL CODE (CRC) 2010 CALIFORNIA ELECTRICAL CODE (CEC) 2010 CALIFORNIA MECHANICAL CODE (CMC) 2010 CALIFORNIA PLUMBING CODE (CPC) CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2, 2.5, 3, 4 AND 5, RESPECTIVELY (HCD 03/10)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the De-

partment of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 2, 2.5, 3, 4 and 5.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **April 22, 2011** until **5:00 p.m. on June 6, 2011**. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret and make specific the provisions of Health and Safety Code Sections 17922 and 18941.7. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922 and 19990.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Health and Safety Code Sections 17922 and 19990 require that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 also states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Sections 18300, 18620, 18640, 18865, 18873 and 18873.2 requires HCD to adopt building standards for mobilehome parks and special occupancy parks.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory–built housing.

Summary of Existing Regulations

The 2010 CBC, CRC, CEC, CMC and CPC, Title 24, Parts 2, 2.5, 3, 4 and 5, respectively, of the California Code of Regulations (CCR), also known as the California Building Standards Code, become effective on January 1, 2011.

The purpose of the California codes listed above is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare.

Summary of Effect

HCD proposes to amend the 2010 CBC, CRC, CEC, CMC and CPC into Title 24, Parts 2, 2.5, 3, 4 and 5, of the CCR for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the federal Fair Housing Amendments Act and state law accessibility requirements, except where the application is for public use only.
- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.

- c) Mobilehome Parks or Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18620, 18640, 18865, 18865.3, 18873 and 18873.2.
- d) Factory–Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The amendment provides consistency with model code format, state and federal laws and regulations, and unique California conditions. In addition, the amendment provides clarity and specificity, and gives direction for the code user regarding the Appeals Board.

An in–depth discussion of the effect of the amendment may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The proposed regulations amend an identical existing building standard regarding the “Appeals Board” process that appears in five of the 2010 California codes (i.e., CBC, CRC, CEC, CMC and CPC.) Since the exact language is repeated in each of these codes, HCD is combining the rulemaking record into one document.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts: and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non–duplication. This proposed rulemaking

incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.

- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 175001 of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.
- The expansion of businesses currently doing business within the State of California.
These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at <http://www.hcd.ca.gov/codes/shl/t24.html>.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Michael Nearman (michael.nearman@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor at the phone number or fax number provided below.

CBSC Address: California Building Standards Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the standards should be addressed to:

Shawn Huff
State Housing Law Programs Manager
Division of Codes and Standards
Department of Housing and Community
Development
E-mail: shuff@hcd.ca.gov
Telephone: (916) 445-9471
Fax: (916) 327-4712

Back-up:

Doug Hensel
Assistant Deputy Director
Division of Codes and Standards
Department of Housing and Community
Development
E-mail: dhensel@hcd.ca.gov
Telephone: (916) 445-9471
Fax: (916) 327-4712

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REGARDING THE FOLLOWING CALIFORNIA CODES: 2010 CALIFORNIA BUILDING CODE 2010 CALIFORNIA RESIDENTIAL CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2 AND 15, RESPECTIVELY (HCD EF 01/11)

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Parts 2 and 2.5. HCD is proposing building standards related to the 2010 California Building Code (CBC) and 2010 California Residential Code (CRC).

This rulemaking action concerns carbon monoxide alarms and carbon monoxide detection systems.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from **April 22, 2011, until 5:00 p.m. on June 6, 2011**. Please address your comments to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833
Attention: Dave Walls, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). The CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written and/or oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret and make specific the provisions of Health and Safety Code Sections 17922 and 18941.7. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922 and 19990.

INFORMATIVE DIGEST

Summary of Existing Laws

Existing state law governs the erection, construction, movement, enlargement, conversion, alteration, repair, removal, demolition or arrangement of all residential

occupancies including, but not limited to, apartment houses, hotels and dwellings, and buildings and structures accessory thereto.

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Health and Safety Code Sections 17922 and 19990 require that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 also states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for “. . . the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing.”

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Additionally, current state law requires the building department of every city, county and city and county to enforce regulations published in the California Building Standards Code, as well as other rules and regulations promulgated by HCD.

Summary of Existing Regulations

The 2010 CBC (based on the 2009 International Building Code) and the 2010 CRC (based on the 2009 International Residential Code), Parts 2 and 2.5, respectively, of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, became effective on January 1, 2011.

The purpose of the California Building Code and the California Residential Code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, accessibility, use and occupancy, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment.

Summary of Effect

HCD proposes to amend the 2010 California Building Code (CBC) and the 2010 California Residential Code (CRC) into CCR, Title 24, Parts 2 and 2.5, respectively, for the following programs:

- a) State Housing Law: relative to residential occupancies, buildings or structures accessory

thereto and as provided for through the federal Fair Housing Amendments Act and state law accessibility requirements, except where the application is for public use only.

- b) Employee Housing Act: relative to the occupancy of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- c) Mobilehome Parks or Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18620, 18640, 18865, 18885.3, 18873 and 18873.2.
- d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

This regulatory action incorporates model code language that will be included in the 2012 edition of the International Building Code (IBC) in order to ease the future transition to that code. The amendments provide designers, builders, property owners and enforcing agencies the maximum amount of time to understand and implement statutory changes pursuant to Senate Bill 183 (Chapter 19, Statutes of 2010) enacted during the 2009/2010 legislative cycle, in addition to the new requirements contained in the national model codes HCD is mandated to use in California. The amendments also provide clarification of carbon monoxide devices, especially regarding implementation dates created by legislative mandate, enforcement authority, and requirements when major or minor work is being performed on an existing structure. Other general issues related to the installation of carbon monoxide alarms and carbon monoxide detection systems are also addressed.

An in-depth discussion of the effect of the amendments may be found in the Initial Statement of Reasons.

Comparable Federal Statute or Regulations

None.

Policy Statement Overview

The broad objective of these proposed building standards is to provide clarification regarding the intent, purpose and installation requirements for carbon monoxide devices in residential occupancies.

OTHER MATTERS PRESCRIBED BY STATUTE
APPLICABLE TO THE AGENCY OR TO ANY
SPECIFIC REGULATION OR CLASS
OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

DECLARATION OF EVIDENCE

HCD has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS EFFECT

HCD has initially determined that a small business may be affected by these proposed regulations. (See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.
- The creation of new businesses or the elimination of existing businesses within the State of California.
These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Building Code and California Residential Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by HCD, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This Notice, the Express Terms and Initial Statement of Reasons can also be accessed from the California Building Standards Commission website at <http://www.bsc.ca.gov>; in addition, the rulemaking documents will be posted on HCD's website at <http://www.hcd.ca.gov/codes/shl/t24.html>.

Interested parties may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website or HCD's website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

CBSC Contact: Michael Nearman (michael.nearman@dgs.ca.gov)

CBSC Back-up: If the contact person is unavailable, please contact Jane Taylor at the phone number or fax number provided below.

CBSC Address: California Building Standards
Commission
2525 Natomas Park Drive,
Suite 130
Sacramento, CA 95833

CBSC Telephone: (916) 263-0916

CBSC Fax: (916) 263-0959

CBSC E-mail: CBSC@dgs.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Shawn Huff, State Housing Law Programs Manager
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 445-9471
Fax: (916) 327-4712
E-mail: shuff@hcd.ca.gov

Back-up:

Doug Hensel, Assistant Deputy Director
Division of Codes and Standards
Department of Housing and Community
Development
Telephone: (916) 445-9471
Fax: (916) 327-4712
E-mail: dhensel@hcd.ca.gov

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT**

**REGARDING PROPOSED CHANGES TO
CALIFORNIA REFERENCED STANDARDS
CODE & CALIFORNIA PLUMBING CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PARTS 12 & 5**

**REGARDING
EARTHQUAKE-ACTUATED AUTOMATIC
GAS SHUTOFF DEVICES**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect (DSA) proposes to adopt amendments to the 2010 California Referenced Standards Code and the California Plumbing Code and adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Parts 12 and 5.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David Walls, Executive Director

Written comments may also be faxed to (916) 263-0959, or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and

notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these referenced and plumbing building standards on behalf of Division of the State Architect under the authority granted by Health and Safety Code Section 18928.

The purpose of these referenced standards is to implement, interpret, and make specific the provisions of Health and Safety Code 19180–19183. The Division of the State Architect is proposing this regulatory action based on Health and Safety Code Section 19182.

The purpose of these plumbing standards is to implement, interpret, and make specific the provisions of Education Code Section 17210 and 81142, and Health and Safety Code Section 16022. The Division of the State Architect is proposing this regulatory action based on Education Code Sections 17280–17317 and 81130–81147, and Health and Safety Code Sections 16000–16023.

INFORMATIVE DIGEST

Summary of Existing Laws:

Section 19182 of the Health and Safety Code authorize the State Architect to adopt standards governing earthquake sensitive gas shutoff devices for installation in buildings. These standards are to reasonably provide for convenient installation and maintenance of gas shutoff devices, as well as maintaining the safety of person occupying buildings equipped with such devices. The State Architect is to consider standards for such devices developed by American National Standards Committee and comments or suggestions from various public utilities.

Section 17280 of Education Code authorize the Department of General Services under the police power of the state to supervise the design and construction of any school building or the reconstruction or alteration or addition to any school building, to ensure that plans and specifications comply with building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been per-

formed in accordance with the approved plans and specifications, for the protection of life and property.

Section 16000 of the Health and Safety Code is known as the Essential Services Buildings Seismic Safety Act of 1986. Essential services buildings, are capable of providing essential services to the public after a disaster, and are to be designed and constructed to minimize fire hazards and to resist, the forces generated by earthquakes, gravity, and winds.

Summary of Existing Regulations:

Existing regulations in Part 12 reference Chapter 16 of the *California Building Code* and Chapter 12 of the *California Plumbing Code*. Existing provisions also reference ASCE Standard 25–97.

Existing Standard, Earthquake-Actuated Automatic Gas Shutoff Devices (ASCE 25–97), provided minimum functionality requirements for earthquake-actuated automatic gas shutoff devices and systems meant to include mechanical devices consisting of a sensing means and a means to shut off the flow of gaseous fuels. It basically applies to single-family or multi-family structures of three stories or less. The seismic performance requirements established by this Standard are based upon data from recent earthquakes, primarily in southern California. This existing regulation is dated.

Summary of Effect

The effect of this proposed action amends Part 12, Section 12–16–101; repeals out-dated ASCE Standard 25–97; and adopt the up-dated current revision of ANSI/ASCE/SEI Standard 25–06.

ANSI/ASCE/SEI Standard 25–06 provides current minimum functionality requirements for earthquake-actuated automatic gas shut-off devices and systems. This Standard, a thorough revision of ASCE Standard 25–97, is applicable only to devices carrying gaseous fuels, such as natural gas and propane. The seismic performance requirements established by this new edition are based upon dynamic testing of current devices and in-depth examination of data on ground motions, structural damage, fire initiation, and actuation of existing earthquake shutoff devices.

Standard ANSI/ASCE/SEI 25–06 represents a basic standard for the construction, installation, inspection, and performance of earthquake-actuated automatic gas shutoff devices. An earthquake-actuated device in this standard is a device that directly senses the ground shaking through its sensing means and then at certain levels of the ground motion actuates the gas shutoff means. The standard provides minimum requirements and is designed to allow compliance of earthquake-automated gas shutoff devices that exceed the various provisions specified. This standard is up to date.

The effect of this proposed action replaces “Chapter 12–16–1” with ‘Chapter 12–12’, which reflects the cor-

rect chapter number of the 2010 *California Plumbing Code*, Chapter 12; replaces “Standard 12–16–1” with ‘12–12–1’, which reflects the correct section number of the 2010 *California Plumbing Code*, Chapter 12; amends the title of the Standard to read “CALIFORNIA STANDARDS FOR EARTHQUAKE–ACTUATED GAS SHUTOFF VALVES”, which reflects the title of the correct provision in the 2010 *California Plumbing Code*, Chapter 12, Section 1211.18 (Earthquake–Actuated Gas Shutoff Valves); repeals the reference to “Chapter 16, *California Building Code*” and because the provision no longer exist in Chapter 16 of the *California Building Code*; replaces “Sec. 12–16–101” with ‘12–12–101’, which reflects the correct section number of the *California Plumbing Code*. Chapter 12; and replaces ‘ASCE 25–97 (Copyright 1998. . .)’ with “ANSI/ASCE/SEI 25–06 (Copyright 2008. . .)”, which reflects the correct new updated Standard. The effect of this proposal also renumbers Sec. 12–16–101.1 to read Sec. 12–12–101.1. A related code change would also be made in the *California Plumbing Code* Section 1211.18, which would correct the cross reference to 12–16–1 to read 12–12–1.

Another related code change would be made to CCR, Title 21, Chapter 1, Subchapter 5, Section 1371 which would correct the cross reference to ‘S.B. Standard No. 12–16–1’ to read “California Referenced Standards Code (CRSC), Standard 12–12–1”, this correction would also be made in Sections 1372, 1379, and 1381. Code changes proposed to CCR, Title 21 would be submitted to the Office of Administrative Law.

The effect of this proposed action is necessary because the provision in Chapter 16 of the *California Building Code*, no longer exists. The only provision with a cross reference to this Standard is in the *California Plumbing Code*, Chapter 12, Section 1211.18 (Earthquake–Actuated Gas Shutoff Valves, which will be accurately reflected by this code change.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain Standard ANSI/ASCE/SEI 25 for Earthquake–Actuated Automatic Gas Shutoff Devices (most recent edition) as the applicable standard used by the Division of the State Architect for the certification of these devices in conformance with current state law. ASCE Standards provide technical guidelines for promoting safety, reliability, productivity and efficiency across all areas of civil engineering.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The Division of the State Architect has determined that there are no other matters prescribed by statute applicable to DSA or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Health and Safety Code 19181 provides that the governing body of any city, county, or city and county may enact an ordinance requiring the installation of earthquake sensitive gas shutoff devices in buildings open to the public. Any ordinance adopted must conform to standards adopted by the State Architect.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Health and Safety Code 19183 provides that manufacturers of earthquake sensitive gas shutoff devices or other devices required by an ordinance must first obtain certification that the device meets the standards established pursuant to Health and Safety Code 19182.

DECLARATION OF EVIDENCE

The Division of the State Architect initial determination of no significant, statewide adverse economic im-

pact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Health and Safety Code Section 19180 provides that the Legislature finds and declares that:

- It is generally accepted that various areas of the state will experience moderate and severe earthquakes in the foreseeable future.
- A serious threat to life and property resulting from these earthquakes is the threat of fire resulting from earthquake damage.
- In order to mitigate, as much as possible, the effects of a major earthquake, including fire resulting from an earthquake, local governments should be authorized to adopt ordinances requiring installation of earthquake sensitive gas shutoff devices in buildings.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**
These regulations up date existing out-date regulations (ASCE 25-97) to the most recent Standard (ANSI/ASCE/SEI 25-06) regarding 'Earthquake-Actuated Gas Shutoff Devices', which would not result in jobs and business expansion, elimination or creation.

- **The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations up date existing out-date regulations (ASCE 25-97) to the most recent Standard (ANSI/ASCE/SEI 25-06) regarding 'Earthquake-Actuated Gas Shutoff Devices', which would not result in creation of new businesses or the elimination of existing businesses within the State of California.

- **The expansion of businesses currently doing business with the State of California.**

These regulations up date existing out-date regulations (ASCE 25-97) to the most recent Standard (ANSI/ASCE/SEI 25-06) regarding 'Earthquake-Actuated Gas Shutoff Devices', which would not result in expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Division of the State Architect has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the persons named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

cbsc@dgs.ca.gov

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Senior Architect
jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov

Division of the State Architect
1102 Q Street, Suite 5200
Sacramento, CA 95811
DSA Facsimile No: (916) 327-3371

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT
REGARDING PROPOSED CHANGES TO
CALIFORNIA REFERENCED
STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 12**

**REGARDING
EXCESS FLOW ACTUATED AUTOMATIC
GAS SHUTOFF VALVES**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect (DSA) proposes to adopt amendments to the 2010 California Referenced Stan-

dards and adopt, approve, codify, and publish referenced building standards contained in the California Code of Regulations (CCR), Title 24, Part 12.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: E. David Walls, Executive Director

Written comments may also be faxed to (916) 263-0959, or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards on behalf of Division of the State Architect under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code 19200-19204. The Division of the State Architect is proposing this regulatory action based on Health and Safety Code Sections 19201.5 and 19202.

INFORMATIVE DIGEST

Summary of Existing Laws:

Section 19202 of the Health and Safety Code provides that:

- Automatic gas shutoff devices not activated by motion, but are activated by significant gas leaks or overpressure surges, are to be certified by the State Architect.
- The design of the device must provide a proven method to automatically provide for expedient and safe gas shutoff in an emergency.
- The design of the device must minimize or preclude the disruption to the flow of gas from erroneous vibrations, alien forces, or both erroneous vibrations and alien forces.
- The design of the device must provide a capability for ease of consumer or owner resetting without concern for **safety**.
- The operational and functional design of the device must be at least equal to the device certified by the State Architect.

Summary of Existing Regulations:

Existing regulation in Part 12 makes reference to CSA U.S. requirements for Excess Flow Valves, which no longer exists.

Summary of Effect

The effect of this proposed action amends Part 12, Section 12-16-201 by repealing the reference to outdated CSA Standard 3-92; and adopting a reference to the up-dated new ASTM F2138-09.

An ASTM F2138-09 specification covers requirements and test methods for excess flow valves for natural gas piping systems. Tests methods requirements determine the performance characteristics of an excess flow valve installed in a straight piece of pipe. Excess flow valves must conform to specified materials, dimensions, maximum inlet pressure, temperature rating range, and design requirements. It must be tested with the following performance requirements; trip flow, leak rate, bypass flow, pressure drop, reset parameters, snap acting loads, and cycle testing.

The scope of ASTM F2138-09 covers requirements and test methods for excess flow valves for use in thermoplastic natural gas piping systems. However it is expected that excess flow valves manufactured to the requirements of this specification may also be used in other natural gas piping systems.

Excess flow valves covered by ASTM F2138-09 are designed for insertion into components for natural gas systems such as pipe, tubing, or fittings in sizes from 1/2 CTS 2 IPS.

The tests required by ASTM F2138-09 are intended to determine the performance characteristics of an excess flow valve installed in a straight piece of pipe. An excess flow valve could possibly be installed in a straight piece of pipe, in a service tee outlet, as part of a mechanical coupling, or in other configurations. The performance characteristics of the excess flow valve may be significantly different for each installed configuration. Users should conduct their own tests to determine the installed performance characteristics or contact the EFV manufacturer for test data for the installed configuration. Additional guidance on selection and installation of excess flow valves is included in Appendix X1.

Comparable Federal Statutes or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain ASTM F2138-09 as the standard specification for Excess Flow Valves for Natural Gas Service (most recent edition) as the applicable standard used by the Division of the State Architect for certification of these devices in conformance with current state law.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The Division of the State Architect has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Health and Safety Code 19201 provides that an "Excess flow gas shutoff device" means a gas shutoff device installed on customer-owned gas piping certified by the State Architect. "Excess flow gas shutoff device" would not include any device installed on a gas distribution system owned or operated by a public utility. The Division of the State Architect has determined that this proposed code change would not impose any mandate on local agencies or school district.

ESTIMATE OF COST OR SAVINGS

- Cost or savings to any state agency: **No**
- Cost to any local agency required to be reimbursed under Part 7 of Division 4: **No**

- C. Cost to any school district required to be reimbursed under Part 7 of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Division of the State Architect has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Health and Safety Code 19201 provides that an “Excess flow gas shutoff device” means a gas shutoff device installed on customer-owned gas piping certified by the State Architect. “Excess flow gas shutoff device” would not include any device installed on a gas distribution system owned or operated by a public utility.

DECLARATION OF EVIDENCE

The Division of the State Architect initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

Health and Safety Code 19202 provides that automatic gas shutoff devices that are not activated by motion, but are activated by significant gas leaks or overpressure surges, must be certified by the State Architect. The design of the device would provide:

- A proven method to automatically provide for expedient and safe gas shutoff in an emergency.
- Minimize or preclude the disruption to the flow of gas from erroneous vibrations, alien forces, or both erroneous vibrations and alien forces.
- Provide a capability for ease of consumer or owner resetting without concern for **safety**.
- The operational and functional design of the device shall be at least equal to the device certified by the State Architect.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect is not aware of any additional cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action. The fee for the certification is not part of this code amendment.

Health and Safety Code Section 19201.5 provides that the State Architect will establish a certification procedure and shall establish a fee for the certification. Fees imposed would be equal to the costs associated with making the certification and are continuously appropriated to the State Architect for administering the certification program.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.**
These regulations up date existing out-date regulations (CSA 3-92) to the most recent Standard (ASTM F2138-09) regarding ‘Standard Specification of Excess Flow Valves for Natural Gas Service’, which would not result in jobs and business expansion, elimination or creation.
- **The creation of new businesses or the elimination of existing businesses within the State of California.**
These regulations up date existing out-date regulations (CSA 3-92) to the most recent Standard (ASTM F2138-09) regarding ‘Standard Specification of Excess Flow Valves for Natural Gas Service’, which would not result in creation of new businesses or the elimination of existing businesses within the State of California.
- **The expansion of businesses currently doing business with the State of California.**
These regulations up date existing out-date regulations (CSA 3-92) to the most recent Standard (ASTM F2138-09) regarding ‘Standard Specification of Excess Flow Valves for Natural Gas Service’, which would not result in expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Division of the State Architect has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Division of the State Architect must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the persons named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

cbsc@dgs.ca.gov

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Senior Architect
jane.taylor@dgs.ca.gov
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad
Ph. (916) 324-7180
richard.conrad@dgs.ca.gov

Division of the State Architect
1102 Q Street, Suite 5200
Sacramento, CA 95811
DSA Facsimile No: (916) 327-3371

TITLE 24. BUILDING STANDARDS COMMISSION

NOTICE OF PROPOSED ACTION TO BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT — STRUCTURAL SAFETY (DSA-SS)

REGARDING AMENDMENTS TO THE 2010 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PARTS 2, 3, 4, 5 and 6 in TITLE 24, CCR, PART 11, CALIFORNIA GREEN BUILDING STANDARDS CODE

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish primarily voluntary green building standards in CCR, Title 24, Part 11, which is currently reserved.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011 until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are

sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards on behalf of DSA-SS under the authority granted by Health and Safety Code Section 18928. The purpose of these building standards is to implement, interpret, and make specific the provisions of Education Code Sections 17280-17317 and 81130-81147.

The Division of the State Architect is proposing this regulatory action based on Education Code Sections 17310 and 81142.

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

At the direction of the Building Standards Commission, Part 11 of Title 24, which is currently vacant, will contain California's green building standards. These standards will be coordinated with, and may reference existing laws and regulations (e.g. Title 24, Part 6 energy efficiency standards) pertaining to resource and energy conservation and environmental quality.

Summary of Governor's Executive Orders

S-20-04, December 14, 2004, instructs state entities to design, construct, and operate all new and renovated state-owned facilities paid for with state funds as "LEED Silver" or higher certified buildings.

S-3-05, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secre-

tary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

S-20-06, October 17, 2006, directs CalEPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.

Summary of Effect

This proposed action will make clarification and formatting revisions to the current 2010 California Green Building Standards Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

In 2009, the DSA adopted mandatory and voluntary standards for site planning and design, energy efficiency, water conservation, material conservation, and environmental quality, incorporating public comments received in the last code cycle as well as during the 2009 code development process. These standards, codified into the 2010 CGBSC, were the subject of training by CBSC, DSA, and other entities in 2010 and generated additional comments and recommendations. Working with its green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, the DSA is currently proposing modifications to the 2010 standards intended to clarify and improve the code for its various users.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The DSA has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

No mandate is imposed on school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**
- Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The DSA has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The DSA's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The DSA has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The DSA has assessed whether or not and to what extent this proposal will affect the following:

- **The creation or elimination of jobs within the State of California.** These regulations, employing emerging green building technologies, products, and services, should create jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.
- **The expansion of businesses currently doing business with the State of California.** These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF REASONABLE ALTERNATIVES

The DSA must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the persons named below.

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

Jim McGowan, Deputy Executive Director
Jim.McGowan@dgs.ca.gov

DSA CONTACT PERSONS

General questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad, FAIA; Principal Architect
Richard.Conrad@dgs.ca.gov

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Theresa Townsend, AIA; Supervising Architect
Theresa.Townsend@dgs.ca.gov

1102 Q Street, Suite 5100
Sacramento, CA 95811

Telephone No: (916) 445-1304
Facsimile No: (916) 445-3521

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE PLANNING
AND DEVELOPMENT**

**REGARDING THE CALIFORNIA
ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS,
TITLE 24, PART 1, CHAPTER 7**

Health Facilities Construction

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Office of Statewide Health Planning and Development (OSHDP) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1, Chapter 7, regulations. The OSHDP is proposing building standards related to the administrative requirements for health facilities construction projects.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from April 22, 2011

until 5:00 p.m. on June 6, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 1226, 1275, 129790 & 129850. The OSHPD is proposing this regulatory action based on Health and Safety Sections 1226, 1275, 129790 & 129850 and Government Code Section 11152.5.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the

physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Summary of Existing Regulations

Title 24, Part 1, Chapter 7 contains administrative regulations pertaining to plan review and construction of health facilities regulated by OSHPD, which includes hospitals, skilled nursing and intermediate-care facilities, licensed clinics, and correctional treatment centers. Existing administrative regulations include requirements regarding the submittal of plans and specifications for review and approval, submittal of construction documents and fees, construction inspection and certification and approval of hospital inspectors.

Summary of Effect

The proposed amendment is intended to provide clarification of existing regulations regarding fees charged by OSHPD that are based on construction cost for hospital and skilled nursing facility projects.

Comparable Federal Statute or Regulations

There are no comparable Federal statutes or regulations related to this proposed action.

Policy Statement Overview

Title 24, Part 1, Chapter 7, contains administrative regulations for the plan review and construction of health facilities regulated by OSHPD.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to be identified.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(An estimate prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399)).

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The proposed regulations are technical amendments that will provide clarification and consistency within the code.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(c) is not required.

**COST IMPACT ON REPRESENTATIVE PRIVATE
PERSON OR BUSINESS**

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT OF REGULATIONS
UPON JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.
 - These regulations will have no effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.
 - These regulations will have no effect.
- The expansion of businesses currently doing business with the State of California.
 - These regulations will have no effect.

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Glenn S.A. Gall, Health Facilities Review
Supervisor
Office of Statewide Health Planning and
Development
Facilities Development Division
400 R Street, Suite 200
Sacramento, CA 95811

regsunit@oshpd.state.ca.us
(916) 440-8300
FAX (916) 324-9188

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**

For Publication April 22, 2011
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Martin Slough Interceptor Phase 1 Project
Humboldt County
2080-2011-011-01

The Department of Fish and Game (Department) received a notice on February 11, 2011 that the City of Eureka proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action includes construction of a new interceptor pipeline to convey wastewater.

The National Marine Fisheries Service (Service) issued a "no jeopardy" federal biological opinion (File No. 151422SWR2004AR9123)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on April 5, 2011 which considered the effects of the project on the Federally and State threatened Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*).

Pursuant to California Fish and Game Code Section 2080.1, the City of Eureka is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the City of Eureka will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

NOTICE TO INTERESTED PARTIES

April 22, 2011

EXTENSION OF PUBLIC COMMENT PERIOD Availability of Hazard Identification Materials for Sulfur Dioxide to be Considered by the Developmental and Reproductive Toxicant Identification Committee

[NOTE: Posted on the OEHHA web site on
April 13, 2011]

On February 25, 2011, the Office of Environmental Health Hazard Assessment (OEHHA) announced the availability for public review of the hazard identification document entitled: "Evidence on the Developmental and Reproductive Toxicity of Sulfur Dioxide." This notice marked the beginning of a 60-day public comment period which was to close on April 26, 2011. OEHHA has received a request from an interested party seeking an extension of the comment period. **OEHHA hereby extends the public comment period until 5 p.m., Thursday, May 26, 2011.**

OEHHA previously announced the rescheduling of the next meeting of the Developmental and Reproductive Toxicant Identification Committee (DARTIC) to Tuesday and Wednesday, July 12 and 13, 2011. Sulfur dioxide will be considered for possible listing under Proposition 65 at the July meeting. On July 12, the meeting will be held in the Auditorium at the Secretary of State building, 1500 11th Street, Sacramento, California. On July 13, the meeting will be held in the Coastal Hearing Room at the Cal/EPA Headquarters building, 1001 I Street, Sacramento, California. The meeting will begin each day at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. A full agenda listing all meeting items will be provided in a future public notice. If consideration of all agenda items is completed on July 12, the meeting will not be convened on July 13.

We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted

by e-mail should be addressed to coshita@oehha.ca.gov. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

OEHHA will send comments received on the sulfur dioxide hazard identification document to DARTIC members prior to the meeting.

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code
Section 11340.5 and
Title 1, section 270, of the
California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: April 6, 2011
To: G. Garcia
From: Chapter Two Compliance Unit
Subject: **2011 OAL DETERMINATION NO. 6(S)**
(CTU2010-1223-01)
(Summary Disposition issued pursuant to
Gov. Code, sec. 11340.5; Cal. Code Regs., tit.
1, sec. 270(f))

Petition challenging as an underground regulation language in Section VII of the Calipatria State Prison Inmate Orientation

Handbook titled “Housekeeping/Cell Standards.”

On December 23, 2010, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether the following language of Section VII of the Calipatria State Prison Inmate Orientation Handbook titled “Housekeeping/Cell Standards” constitutes an underground regulation. The rule is found in the 2006 version of the Calipatria State Prison Inmate Orientation Handbook at p. 23.¹ The challenged rule was issued by the warden at the Calipatria State Prison and is attached hereto as Exhibit A. The challenged rule is:

Once you are assigned to a cell, search it thoroughly. Immediately report all contraband, damaged or missing fixtures, (television cable outlets, etc.) to the Housing Unit Officer, otherwise you will be held responsible.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,² which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).³ Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

¹ The challenged rule apparently also appears in the 2008 version of the Calipatria State Prison Inmate Orientation Handbook as it is cited verbatim in the Petitioner’s Rules Violation Report dated 11–16–2010 by a Calipatria state prison employee.

² “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

³ Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Calipatria State Prison and applies solely to the inmates of the Calipatria State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for housekeeping and cell standards. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.⁴

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

⁴ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

/s/
DEBRA M. CORNEZ
Assistant Chief Counsel/Acting Director

/s/
Elizabeth A. Heidig
Staff Counsel

Copy: Matthew Cate
Tim Lockwood

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

OFFICE OF ADMINISTRATIVE LAW

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

DEPARTMENT OF MENTAL HEALTH

On January 21, 2010, The Office of Administrative Law (OAL) received a petition challenging Internal Management Directive No. 624, titled "Individuals' Mail and Packages" and issued by Coalinga State Hospital as an alleged underground regulation.

On April 11, 2011, Department of Mental Health certified to the OAL that the Internal Management Directive No. 624, had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2011-0301-02
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS
Approved Curriculum/Waiver of Fundamentals

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) adopted this rulemaking action to clarify educational experience that may be substituted for work experience for determining eligibility of applicants for licensure as professional engineers or land surveyors. Amendments in this action include exemptions from certain application criteria for land surveyor applicants, and from the requirement of professional engineer applicants to take the first division, "Engineer in Training" examination if they hold a Ph.D. from a Board-approved engineering program.

Title 16
California Code of Regulations
AMEND: 404, 424, 425, 438 REPEAL: 460
Filed 04/11/2011
Effective 05/11/2011
Agency Contact: Larry Kereszt (916) 263-2240

File# 2011-0309-02
BOARD OF EDUCATION
Standardized Testing and Reporting Program (STAR)

This rulemaking action conforms state regulations on the Student Testing and Reporting (STAR) program to changes in statute. It provides definitions for Alternate and Modified Assessments. It specifies various testing accommodations and modifications for students. It also establishes rules for test material security, data reporting, and the processing of test results for students whose parents have exempted them from STAR testing after the testing has occurred.

Title 5
California Code of Regulations
AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 now 862.5, 864, 864.5, 866, 868
Filed 04/13/2011
Effective 05/13/2011
Agency Contact: Debra Thacker (916) 319-0860

File# 2011-0301-01
BUREAU FOR PRIVATE POSTSECONDARY
EDUCATION
Student Tuition Recovery Fund (STRF)

This regulatory action is to establish new procedures and requirements for the Student Tuition Recovery Fund (STRF). It sets the assessment amount and requirements for its collection and submission. It includes the record-keeping requirements for qualifying institu-

tions, the application process for students seeking reimbursement under the Fund, and other rules regarding claims.

Title 5

California Code of Regulations

ADOPT: 76020, 76140, 76212, 76240 AMEND:
76000, 76120, 76130, 76200, 76210, 76215 RE-
PEAL: 76010, 76240

Filed 04/12/2011

Effective 05/12/2011

Agency Contact: Joanne Wenzel (916) 384-1254

File# 2011-0302-01

**COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING**

Requirements for Course Budgets

This regulatory action deals with allowable instructional costs and indirect costs that course coordinators presenting, or planning to present, a POST-certified tuition-based course are to use when submitting the Course Administration Information and Course Budget via the EDI System. This action establishes that budgets are not required for conferences and charges for instructors cannot be claimed if they are providing instruction while on duty for their agency. Additionally, indirect cost may not exceed 20% of specified budgeted items. Indirect costs may be claimed only for expenses related to instructor salaries, instructor travel, coordinator salaries, coordinator travel and clerical salaries. This action also deletes the use of a course budget form that is no longer needed because all information is now submitted to POST electronically via the EDI System.

Title 11

California Code of Regulations

AMEND: 1054

Filed 04/13/2011

Effective 07/01/2011

Agency Contact: Patti Kaida (916) 227-4847

File# 2011-0222-02

DEPARTMENT OF INSURANCE

**Recognition of Same Sex Marriage in the CAARP
Manual**

The Department of Insurance is making a change without regulatory effect to section 2498.4.9 of title 10 of the California Code of Regulations. This section incorporates by reference the California Automobile Assigned Risk Plan (CAARP) Plan of Operations, which is being amended to refer to married couples as "spouses" instead of "husband and wife." This amendment is being made in response to Senate Bill 54, the Marriage Recognition and Family Protection Act, which recognizes all same sex marriages legally per-

formed in California and other jurisdictions. This change has no impact on premiums or the way coverage is offered to the insured or by the insurer, and will ensure that coverage is accurately placed without unnecessary delay.

Title 10

California Code of Regulations

AMEND: 2498.4.9

Filed 04/06/2011

Agency Contact: Mike Riordan (415) 538-4226

File# 2011-0222-01

DEPARTMENT OF INSURANCE

**Broaden U/M Coverage to Replace Child Car Seats In-
volved in Accidents**

This Section 100 action amends the California Automobile Assigned Risk Plan ("CAARP") Plan of Operations, Portfolio of Forms by requiring coverage for the replacement of a child restraint system that was damaged or was in use by a child during an accident. The changes qualify under Section 100 as conforming to coverages mandated by AB 299 (Chap. 234, Stats. 2009)

Title 10

California Code of Regulations

AMEND: 2498.4.9

Filed 04/06/2011

Agency Contact: Mike Riordan (415) 538-4226

File# 2011-0330-02

DEPARTMENT OF JUSTICE

**To implement regulations needed by the enactment of
AB2496**

The Department of Justice submitted this emergency action to enhance title 11 procedures and requirements that govern the sale and distribution of cigarettes and roll-your-own tobacco products. The existing regulations were adopted to assure compliance with state financial responsibility laws pertaining to tobacco product manufacturers. Revenue and Taxation Code section 30165.1 requires that all tobacco product manufacturers and brand families be listed on a directory maintained by the Department on its web site in order to conduct business in California. This action implements recent enhancements to the Department's authority and jurisdiction enacted in AB 2496 (Stats. 2010, ch. 265). These emergency regulations provide additional requirements, documentation, and forms that are required under AB 2496 to demonstrate compliance with the laws governing the sale and distribution of the specified tobacco-related products and to maintain listing on the Department's website.

Title 11
California Code of Regulations
ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28,
999.29 AMEND: 999.10, 999.11, 999.14, 999.16,
999.17, 999.19, 999.20, 999.21, 999.22
Filed 04/11/2011
Effective 04/11/2011
Agency Contact: Erica Goerzen (916) 322-0908

File# 2011-0223-02
DEPARTMENT OF PESTICIDE REGULATION
Field Fumigation Use Requirements

This action prescribes in greater detail the amount of water that must be used to limit the air emission of agricultural fumigants applied to fields based upon soil characteristics, changes the threshold for implementation of volatile organic emission allowances and updates the list of prescribed methods that may be used to fumigate fields by adding three new methods that have been shown to be effective.

Title 3
California Code of Regulations
AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2,
6452.3, 6452.4, 6536, 6626
Filed 04/07/2011
Effective 04/07/2011
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2011-0228-04
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Water Quality Monitoring for Hazardous Waste Disposal Units

The Department of Toxic Substances Control amended sections 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, and 66265.99 of title 22 of the California Code of Regulations concerning water quality monitoring for permitted and interim status hazardous waste land disposal units.

Title 22
California Code of Regulations
AMEND: 66264.90, 66264.94, 66264.97,
66264.98, 66264.99, 66264.100, 66265.90,
66265.91, 66265.97, 66265.98, 66265.99
Filed 04/12/2011
Effective 05/12/2011
Agency Contact: Jeff Woled (916) 322-5225

File# 2011-0328-03
FISH AND GAME COMMISSION
Incidental Take of Mountain Yellow-Legged Frog During Candidacy

This is a readopt of a prior emergency regulatory action that allowed the incidental take of Mountain Yellow-legged Frog during its candidacy for listing as an endangered or threatened species under the California Endangered Species Act (CESA), in accordance with Fish and Game Code section 2084.

This action provides for take incidental to seven different activities (e.g., scientific collection, fire prevention, water storage, etc.). The Fish & Game Commission has historically relied on the authority in section 2084 to permit take of candidate species on numerous occasions, most recently in 2009.

Title 14
California Code of Regulations
ADOPT: 749.6
Filed 04/06/2011
Effective 04/12/2011
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2011-0301-03
MEDICAL BOARD OF CALIFORNIA
Written Examinations

This regulatory action establishes the examination combination of USMLE steps 1 & 2 and NBME step 3 as an additional combination to meet the examination requirement for a physician and surgeon license, in addition to changing "division" to "Board."

Title 16
California Code of Regulations
AMEND: 1328
Filed 04/12/2011
Effective 05/12/2011
Agency Contact:
Kevin A. Schunke (916) 263-2368

File# 2011-0321-03
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Personal Protective Devices-Hazard Assessment & Equipment Selection

In preparing responses to an audit conducted by the US Department of Labor, Occupational Safety and Health Administration (Federal OSHA), the Division of Occupational Safety and Health ascertained that California lacks provisions equivalent to 29 CFR 1910.132(d)-(f) relating to Personal Protective Devices. The California Occupational Safety and Health Standards Board therefore adopts these standards for

Personal Protective Devices (Hazard Assessment & Equipment Selection) that are the same as the federal requirements except for editorial and format differences. Pursuant to Labor Code section 142.3(a)(3), this matter is not subject to substantive review by the Office of Administrative Law as it is exempt from Articles 5 and 6 of the Administrative Procedure Act.

Title 8
California Code of Regulations
AMEND: 3380
Filed 04/13/2011
Effective 04/13/2011
Agency Contact: Marley Hart (916) 274-5721

File# 2011-0228-01
STATE PERSONNEL BOARD
Probationary Period

This Section 100 action corrects an inaccurate internal cross-reference in section 321 of Title 2 of the California Code of Regulations.

Title 2
California Code of Regulations
AMEND: 321
Filed 04/11/2011
Agency Contact: John D. Smith (916) 651-1041

File# 2011-0228-02
STATE PERSONNEL BOARD
Hearings and Appeals

This change without regulatory effect corrects erroneous citations to a provision of the Evidence Code that are included in the standard subpoena form published as Appendix A following CCR, title 2, section 59.3.

Title 2
California Code of Regulations
AMEND: 59.3
Filed 04/06/2011
Agency Contact: John D. Smith (916) 651-1041

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 10, 2010 TO
April 13, 2011**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of

the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

04/11/11 AMEND: 321
04/06/11 AMEND: 59.3
04/05/11 AMEND: 1859.2, 1859.81, 1859.148.2, 1859.166.2
04/01/11 AMEND: 18734
03/30/11 AMEND: 64.5
03/28/11 AMEND: 599.550
03/09/11 ADOPT: 552
03/08/11 ADOPT: 18451 REPEAL: 18451, 18452, 18453
03/07/11 AMEND: 18404.1
03/07/11 AMEND: 18435, 18450.4
03/03/11 AMEND: 1897
02/23/11 AMEND: 18734, 18751
02/17/11 AMEND: 18116
02/17/11 AMEND: 18239
02/17/11 ADOPT: 18401.1, 18435.5
02/15/11 AMEND: 599.500, 599.501
01/28/11 ADOPT: 559
01/26/11 ADOPT: Headings for Subchapter 1.3, Article 1, Article 2, Article 3, Article 4
AMEND: Heading for Subchapter 1.3 — Article 25
01/25/11 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.81.1, 1859.104
01/13/11 AMEND: 1859.2, 1859.302, 1866, Form SAB 50-02, 50-03, 50-04, 50-06, 50-07, 50-08, 50-09, 50-10, 61-04, 40-20, 40-21, 40-24
01/12/11 ADOPT: 172.9, 172.10 AMEND: 172.6, 172.7, 172.8, 172.10 (renumbered to 172.11), 172.11 (renumbered to 172.12) REPEAL: 172.9
01/12/11 AMEND: 59.3 Appendix A
01/06/11 ADOPT: 649.17.1, 649.19, 649.20 AMEND: 647.4, 649.14, 649.15, 649.16, 649.17, 649.26, 649.28, 649.31, 649.32, 649.33, 649.48, 649.50, 649.51, 649.57, 649.62
01/06/11 AMEND: 67.3
12/28/10 AMEND: Div. 8, Ch. 114, Sec. 59590
12/21/10 AMEND: 561, 561.1, 561.2, 561.3, 561.4, 561.5, 561.8, 561.9, 561.11 (renumbered to 561.10), 561.12 (renumbered to 561.11), 561.13 (renumbered to 561.12) REPEAL: 561.10, 561.14
12/20/10 AMEND: 18723
12/20/10 ADOPT: 18215.2 AMEND: 18215, 18225, 18450.1, 18450.4, 18450.5

| | | | | |
|----------------|---|----------------|----------|---|
| 12/16/10 | ADOPT: 1859.90.1 AMEND: renumber 1859.90.1 as 1859.90.2 (not shown), 1859.129, 1859.197 | Title 4 | 04/01/11 | ADOPT: 10030, 10031, 10032, 10033, 10034, 10035, 10036 |
| 11/30/10 | AMEND: 67.8 (Appendix A) | | 04/01/11 | ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550, 5560, 5570, 5571, 5572, 5573, 5580, 5590 |
| 11/23/10 | ADOPT: 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05 | | | |
| 11/22/10 | AMEND: 1859.2, 1859.83 | | | |
| 11/16/10 | AMEND: 7286.1 | | | |
| 11/15/10 | AMEND: 18545, 18703.4, 18730, 18940.2, 18943 | | | |
| 11/15/10 | AMEND: 18225 | | | |
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| 04/07/11 | AMEND: 6445.5, 6448.1, 6449.1, 6450.1, 6452.2, 6452.3, 6452.4, 6536, 6626 | | | |
| 03/18/11 | AMEND: 3434(b) and (c) | | | |
| 03/18/11 | AMEND: 3434(b) | | | |
| 03/14/11 | AMEND: 3408 | | | |
| 03/01/11 | AMEND: 3558 | | | |
| 02/17/11 | AMEND: 3437 | | | |
| 02/15/11 | AMEND: 3430 | | | |
| 02/15/11 | ADOPT: 820.55 AMEND: 820, 820.3, 820.6, 820.7 | | | |
| 02/10/11 | AMEND: 3601 | | | |
| 02/10/11 | AMEND: 3434(b), (c) | | | |
| 02/10/11 | AMEND: 3423(b) | | | |
| 01/13/11 | AMEND: 3425(b), (c) | | | |
| 01/13/11 | AMEND: 3591.20(a) | | | |
| 01/13/11 | AMEND: 3591.15(a), (b) | | 03/17/11 | AMEND: 202, 210, 214, 246, 247, 248, 249, 252, 254, 264, 266, 267, 304, 332, 334, 335, 364, 385, 510, 533, 541, 545, 609 |
| 01/11/11 | AMEND: 1430.142 | | | |
| 01/11/11 | AMEND: 3591.20(a) | | | |
| 12/30/10 | AMEND: 3435(b) | | | |
| 12/29/10 | AMEND: 3434(b) and (c) | | 03/07/11 | ADOPT: 8035.5 |
| 12/20/10 | ADOPT: 6446, 6446.1 AMEND: 6400, 6452.4, 6624 | | 03/07/11 | ADOPT: 8078.2 AMEND: 8070, 8072 |
| 12/14/10 | AMEND: 3434(b) and (c) | | 03/03/11 | REPEAL: 4002.2(a) |
| 12/14/10 | AMEND: 850 | | 02/16/11 | AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10164 |
| 12/09/10 | AMEND: 6860 | | | |
| 12/06/10 | AMEND: 3906 | | 01/24/11 | ADOPT: 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4200, 4201, 4202, 4203, 4204, 4205 |
| 11/30/10 | AMEND: 3406 | | | |
| 11/24/10 | ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407 | | 01/06/11 | AMEND: 8070, 8072, 8073, 8074 |
| 11/24/10 | ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407 | | 01/06/11 | ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, |
| 11/22/10 | AMEND: 3435(c) | | | |
| 11/18/10 | AMEND: 105, 108 | | | |
| 11/17/10 | AMEND: 3434(b) | | | |
| 11/17/10 | AMEND: 3434(b) | | | |
| 11/17/10 | AMEND: 3437 | | | |
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| 12/14/10 | AMEND: 10322(h)(5), 10325(c)(3)(B), 10325(c)(8) | 12/22/10 | AMEND: 80413.3 REPEAL: 80430.2 |
| 12/07/10 | ADOPT: 12347, 12348 AMEND: 12002, 12345 | 12/02/10 | ADOPT: 4700, 4701, 4702, 4703 |
| 11/29/10 | AMEND: 1374.2 | 12/01/10 | ADOPT: 76020, 76140, 76212, 76240 |
| 11/29/10 | AMEND: 8070, 8072, 8073, 8074 | | AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240 |
| Title 5 | | 11/18/10 | ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115 |
| 04/13/11 | AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 870 now 862.5, 864, 864.5, 866, 868 | | AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, |
| 04/12/11 | ADOPT: 76020, 76140, 76212, 76240 AMEND: 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 76010, 76240 | | |
| 03/28/11 | ADOPT: 75010, 75100, 75500 AMEND: 74120, 74130, 74160, 74170 | | |
| 03/24/11 | ADOPT: 30001.5 | | |
| 03/21/11 | ADOPT: 10120 AMEND: 10070, 10071, 10075 | | |
| 03/15/11 | ADOPT: 4800, 4801, 4802, 4803, 4804, 4805, 4806, 4807 | | |
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| 02/22/11 | ADOPT: 42398 | | |
| 02/22/11 | AMEND: 42375 | | |
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| 01/10/11 | AMEND: 30730, 30731, 30735, 30736 | | |
| 12/23/10 | AMEND: 2, 30, 50, 70, 401, 641, 1021, 1023.1, 1025, 1030, 1633, 3082, 3088.1, 3947, 4417, 4421, 4422, 4424, 5504, 5594, 5601, 5710, 10042, 10070, 10090, 11004, 11005, 11010, 11214, 11234, 11250, 11503, 11508, 11523, 11530, | | |

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| Title 7 03/17/11 ADOPT: 211.5 03/14/11 AMEND: 217 02/02/11 AMEND: 215 11/23/10 AMEND: 206, 207 | |
| Title 8 04/13/11 AMEND: 3380 03/28/11 AMEND: 3668(a) 03/17/11 AMEND: 7102, 7104, 7160, 7178 03/17/11 AMEND: 3207 03/07/11 AMEND: 3328 02/01/11 AMEND: 5291 01/20/11 AMEND: 344.6, 344.16, 344.18 12/29/10 AMEND: 1709 12/09/10 AMEND: 2813 12/09/10 AMEND: 1742 12/08/10 AMEND: 344.30 12/08/10 AMEND: 1648, 1675, 3276, 3277, 3278, 3287, 3413, 3458.1 REPEAL: 1678, 3279, 3280 11/15/10 AMEND: 9701, 9702 | Title 11 04/13/11 AMEND: 1054 04/11/11 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22 03/30/11 AMEND: 9070, 9072, 9073, 9077 03/16/11 AMEND: 2037 01/31/11 ADOPT: 4075 AMEND: 4047, 4049, 4050, 4051, 4052, 4053, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4070, 4071, 4072, 4073, 4074 REPEAL: 4055 12/30/10 AMEND: 1005, 1060 12/29/10 AMEND: 1001, 1004, 1005, 1006, 1007, 1008, 1009, 1052, 1053, 1055, 1056, 1071, 1080, 1081, 1083 |
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| Title 10 04/06/11 AMEND: 2498.4.9 04/06/11 AMEND: 2498.4.9 03/22/11 AMEND: 2498.4.9 03/16/11 ADOPT: 2632.13.1 AMEND: 2632.13 03/16/11 AMEND: 5500, 5501, 5505, 5506, 5507 | Title 13 04/01/11 AMEND: 553.70 |

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 02/15/11 AMEND: 567, 583, 591, 593.1, 593.3
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 01/18/11 ADOPT: 2711 AMEND: 2701, 2702, 2703, 2704, 2705, 2706, 2707
 01/03/11 AMEND: 1239
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01/20/11 AMEND: Title 13: 2451, 2452, 2453, 2456, 2457, 2458, 2459 and Title 17: 93116.1, 93116.2, 93116.3

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 04/01/11 AMEND: 27.80
 03/09/11 ADOPT: 703 AMEND: 671, 671.1, 671.7
 02/24/11 AMEND: 11600
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03/28/11 AMEND: 3269
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 03/03/11 ADOPT: 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3522, 3523, 3525, 3526, 3527
 02/18/11 AMEND: 4710, 4711, 4712, 4713, 4714
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 03/09/11 ADOPT: 1007, 1008 AMEND: 1017.2
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 03/01/11 AMEND: 1399.157, 1399.160.3, 1399.160.6
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| 11/10/10 | AMEND: 50300 | 03/17/11 | ADOPT: 3949.7 |
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| 01/12/11 | AMEND: 1584 | 01/03/11 | ADOPT: 3919.9 |
| 01/10/11 | AMEND: 1533.1 | 12/23/10 | ADOPT: 3939.37 |
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| 02/18/11 | ADOPT: 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 2999.1, 2999.2, 2999.3, 2999.4, 2999.5 AMEND: 2900 | 12/17/10 | ADOPT: 596, 596.1, 596.2, 596.3, 596.4, 596.5 |
| 01/12/11 | ADOPT: 3.00 AMEND: 1.05, 1.07, 1.08, 1.09, 1.11, 1.12, 1.13, 2.02, 3.00 (renumbered to 3.00.1), 3.01, 3.02, 3.03, 3.04, 3.06, 3.07, 3.08, 3.11, 3.12, 3.13, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.28, 3.29, 3.31, 3.32, 4.3, 4.5, 204, 303, 315, 324, 325, 332, 340, 341, 571, 743, 745, 746, 747, 748, 749, 750, 753, 754, 755, 756, 760, 904, 904.7, 1173, 1174, 2060 REPEAL: 752 | 12/15/10 | AMEND: 3943 |
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| Title 21 | | 11/17/10 | AMEND: 1062, 1064, 1066, 3833.1 |
| 01/25/11 | AMEND: 6680 | Title 25 | |
| Title 22 | | 03/07/11 | AMEND: 5002, 5010, 5040 |
| 04/12/11 | AMEND: 66264.90, 66264.94, 66264.97, 66264.98, 66264.99, 66264.100, 66265.90, 66265.91, 66265.97, 66265.98, 66265.99 | 02/18/11 | ADOPT: 1013, 1052, 1119, 1757, 1759, 2013, 2052, 2119, 2757, 2759 AMEND: 1002, 1008, 1018, 1104, 1118, 1180, 1211, 1333, 1334, 1334.2, 1336.1, 1346, 1377, 1426, 1429, 1432, 1446, 1450, 1458, 1464, 1468, 1474, 1498, 1500, 1502, 1504, 1506, 1612, 1618, 1750, 1752, 1754, 1756, 1758, 2002, 2008, 2018, 2104, 2118, 2211, 2230, 2334, 2346, 2426, 2429, 2432, 2468, 2474, 2498, 2500, 2502, 2504, 2506, 2612, 2750, 2752, 2754, 2756, 2758 REPEAL: 1613, 1615, 1616, 2613, 2615, 2616 |
| 03/22/11 | AMEND: 66250, 66250.1, 66250.2 | 02/10/11 | ADOPT: 4313 AMEND: 4300, 4302, 4304, 4306, 4308, 4310, 4312, 4314, 4316, 4318, 4320, 4322, 4324 |
| 02/15/11 | ADOPT: 4451 AMEND: 4400, 4401.5, 4405, 4417, 4427, 4429, 4447 | 01/28/11 | AMEND: 3070, 4204, 4210, 4212 |
| 01/10/11 | AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501 | 01/26/11 | ADOPT: 7980, 7980.1, 7980.2, 7980.3 |
| 01/10/11 | ADOPT: 52000, 52100, 52101, 52102, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52507, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600 REPEAL: 52103 | Title 27 | |
| 12/22/10 | REPEAL: 65700, 65700.2, 65700.6, 65700.8, 65700.10, 65700.12, 65710, 65715, 65720, 65725, 65730, 65735, 65740, 65745, 65750, 65755 | 03/30/11 | AMEND: 25805 |
| 12/21/10 | ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7 | 03/17/11 | AMEND: 25801, 25803 |
| 12/15/10 | AMEND: 100105 | 02/16/11 | AMEND: 27001 |
| 11/10/10 | AMEND: 51516.1 | 01/26/11 | AMEND: 25705 |
| Title 23 | | 01/26/11 | AMEND: 25705 |
| 04/04/11 | ADOPT: 3990 | 12/16/10 | AMEND: 25805 |
| | | 11/18/10 | AMEND: 25805 |
| | | Title MPP | |
| | | 02/15/11 | AMEND: 16-015, 16-120, 16-601 REPEAL: 16-315 |
| | | 01/31/11 | AMEND: 31-021 |
| | | 12/22/10 | AMEND: 42-302, 42-712, 42-713 |